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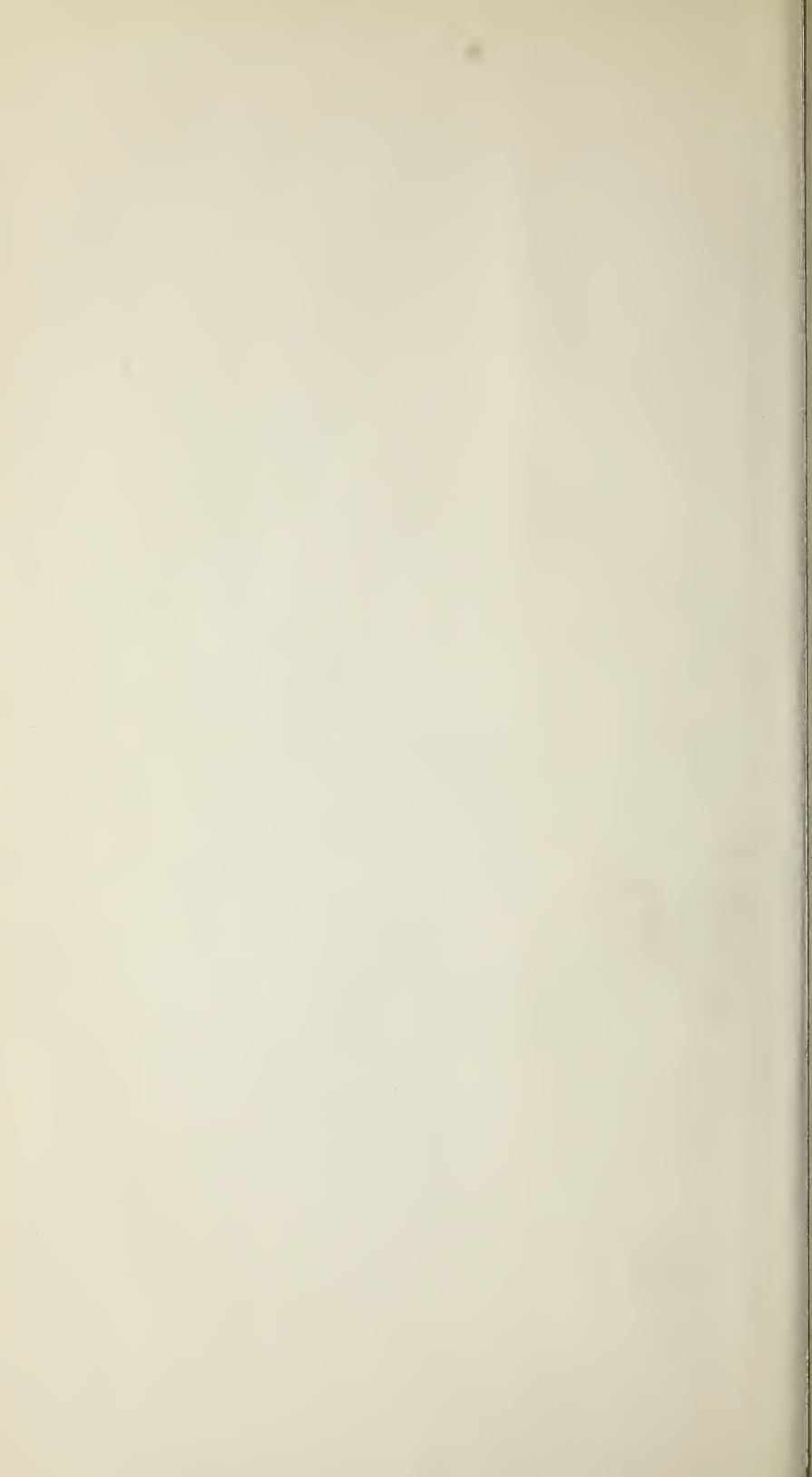
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# HILLSBORO

North Carolina

## COLONIAL AND REVOLUTIONARY

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BY FRANCIS NASH,

OF THE HILLSBORO BAR, 

MEMBER OF THE AMERICAN HISTORICAL ASSOCIATION.

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The State, its laws, its institutions, are the rights of the individuals belonging to it; are their eternal possession; and its soil, its mountains, air and waters, are their land, their fatherland; their deeds make the history of this State; that which their forefathers have done belongs to them and lives in their memory.—*Hegel*.

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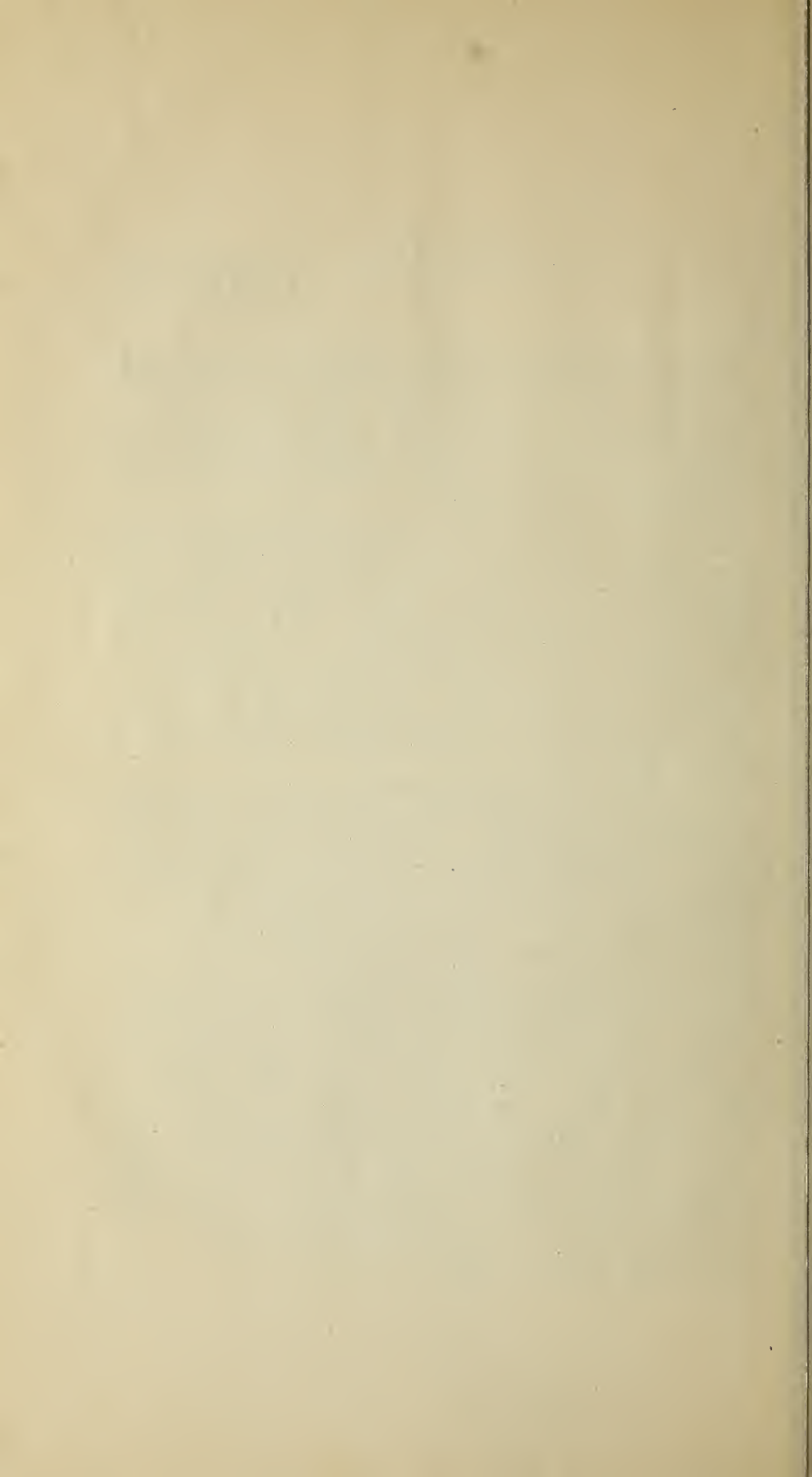
Much the larger part of this pamphlet was published in a series of articles in the Charlotte, N. C., *Observer*, during the years 1901 and 1902. The value of the material, laboriously collected from many scattered sources and put in consecutive order, justifies its preservation in this more permanent form.

The sources from which data was obtained were the public records in the court house here, the Colonial and State Records, Wheeler's books, Caruther's three books, Jones' Defence, and McRee's Life of Iredell. The latter work was found especially valuable. The Colonial and State Records, and the county records, were, however, in all instances the basis of what is here written, especially in regard to dates. By pursuing this course, I have been enabled to correct many errors found in some of these books.

As the pamphlet is published for popular reading, I have purposely refrained from burdening it with notes and citations of authority. Suffice it to say, that I have made no statement herein that is not, in my opinion, supported by adequate, if not controlling, authority. Some citations may be found in the appendices.

The subject, though occasionally as broad as the State itself, many times, of course, narrows the scope of the history and confines the writer to topics that may appear trivial. This comes from the nature of the town, itself a country village, yet having residents who were taking an active, if not leading, part in the great affairs of State and nation. The history, then, of Colonial and Revolutionary Hillsboro must form an appreciable part of the history of Colonial and Revolutionary North Carolina. Being carefully prepared and written, I trust the completed work may prove of value to students, as well as to readers, of North Carolina history.

HILLSBORO, N. C., March 19. 1903.





# HILLSBORO

## COLONIAL AND REVOLUTIONARY.

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### CHAPTER I.—1754-1770.

Travelers through those portions of Orange County watered by the Haw River and its tributaries, New Hope Creek and its tributaries, and Eno River and its tributaries, have, from Lawson's day to the present, admired the fertility of the soil, the beauty of the scenery, and the magnificence of the forests. Perhaps there was no spot along or near any of these rivers so pleasantly or so beautifully situated as that whereon William Churton, one of Earl Granville's surveyors, located and laid off a town in 1754. He laid off this town on four hundred acres of land on the north bank of the river Eno, some time between June 7 and September 1 of that year. It was first called Orange, but its name was changed to Corbinton in a very short time, for Francis Corbin, one of Earl Granville's agents. November 20, 1759, it was incorporated under the name of Childsburg for the then Attorney-General. By this act only 200 acres, the eastern half of the town, could be sold and built upon. The remainder was to be common. The town itself lay in a valley, surrounded by high hills, and its southern boundary extended along the Eno River. This river had a tortuous course, and its pellucid waters, unchecked by dams, and uncontaminated by sewage of town and cotton mill, flowed rapidly beneath the overhanging trees, then as beautiful a stream as could be found in the State, and even now, with its banks denuded of forest growth along much of its course, it has stretches that are surpassingly beautiful, overhung as they are by bluffs on the south side, densely covered by rhododendron and ivy, whose pink or white flowers and dark green leaves are, in season, mirrored

in the quieter pools of the river beneath, and on the north by thick foliaged boughs of birch or beech or oak. Then, too, the Occoneechee mountains extended beyond the western limits of the town, crowned with the glories of an untouched forest, and not, as now, with a degenerate and dwindling secondary growth; not, as now, scarred and marred by modern commercial energy that has invaded their sides and is tearing and rending them to extract from their bowels that which shall make one of its own agencies safe and secure. Then, too, the unbroken forest to whose magnificence the few relics of it that remain testify, stretched away on every side, over hill and dale, broken only here and there along the southern and eastern trails, or along the few cross-country paths, by settlements which the adventurous white man had made.

The most prominent of the original residents of the town were James Watson, William Reed, William Nunn and William Churton. James Watson was the second Clerk of the County Court, 1755-1763, Richard Caswell being the first, 1752-1755, and he was, in 1772, appointed Register of the county. William Reed came from Pennsylvania, and was Sheriff 1759, 1760, 1761 and 1762. William Nunn was Sheriff 1765. William Churton, a surveyor of Lord Granville, was Register of the county 1752-1762, and gave his own name to one of the principal streets of the town. The first lawyer to locate in the place was Daniel Weldon. He came about 1754, remained six years, and then disappeared from the public records. The County Court was first located here in 1754, and the Colonial Assembly made this location permanent in November, 1766. There were no Superior Courts held in Hillsboro until March, 1768, that place being first in the Halifax and later in the Salisbury District.

To this town, in 1762, came Edmund Fanning, lawyer, scholar, gentleman, and adventurer, but withal, overbearing, unscrupulous and a libertine.

In March, 1763, he qualified as Register of the county, and thereafter purchased several town lots, built himself a fine mansion on the site of the Masonic Lodge, and proceeded to make himself the unconscious provoker, if not maker, of much North Carolina history.

About the same time came Francis Nash, youngest son of a substantial Virginia planter, Col. John Nash, and qualified as County Court Clerk, March, 1763. He was another lawyer and gentleman adventurer, of handsome presence and fine address, afterwards one of Washington's most trusted brigadiers, killed too early in the war for him to have made a national reputation, though he has given his name to a county in this State, and the capital of an adjoining one.

Abner Nash, too, an older brother, afterwards a leading patriot, spent much of his time here at this period, practised in the courts and engaged in mercantile ventures. Clement Reed, likewise a Virginia lawyer, practised in the courts for two or three years, until 1763 or 1764. "In 1764," says William Few, *Autobiography* (*Magazine of American History*, November, 1881) "Hillsboro was the metropolis of the county, where the courts were held and all public business was done. It was a small village, which contained thirty or forty inhabitants, with two or three small stores and two or three taverns, but it was an improving village. Several Scotch merchants were soon after induced to establish stores that contained a good assortment of European merchandise, and a church, court house and jail were built."

Wm. Few, Sr., father of the autobiographer and of James Few, the Regulator, had moved his family to what is now the Kirkland place, in 1763, and there, a mile from town, was keeping a tavern, and lower down the Eno River running a mill. John Dowell was one of the smaller merchants alluded to by Wm. Few. He, too kept a tavern, but in the town.

Of the Scotch merchants, William Johnston was easily chief. He was the only son and heir of Robt. Johnston, of Hartwood, Lochmaben Parish, Annandale Shire, Scotland, and a near relative of Gov. Gabriel Johnston, and the North Carolina statesman, Samuel Johnston, and was himself afterwards a prominent patriot. He came to Hillsboro with abundant means late in 1767 or early 1768, and formed a co-partnership with James Thackston. The latter first appeared here about the time that Johnston came, and was afterwards a suc-



cessful soldier, attaining the rank of Lieutenant-Colonel in the Continental line. A little later came Ralph Macnairs, 1769-1770, another Scotch merchant, having large possessions, afterwards a proscribed Tory. About 1772 came Nathaniel Rochester, who, in 1783, removed to Maryland, and later to New York, where he gave his name to the present city of Rochester. Another resident of the town was Thomas Hart, a sturdy, honest, brave man, Sheriff of the county 1763, and grandfather of Thomas Hart Benton, who inherited much of his own sturdy character from him. In 1767 came the Rev. George Meiklejohn, as shepherd and pastor of this flock. He was one of the most picturesque parsons of this picturesque period. A Scotchman, though a Church of England divine, he was tall, dark, large-boned and gaunt, with harsh features and slow, deliberate manner in the pulpit and out. He had much of the Scotch shrewdness and cannyness, loved money and saved money. This and his love for ardent spirits (rum, I believe, was the tippie then), and his distrust of women were the three great weaknesses of his life. He had trusted and loved a woman once, and had made her his wife. She had fancied some gay deceiver, had eloped with him, carrying all her husband's accumulations. Ever afterwards during a long and, according to his lights, useful life, he had a most unaffected distrust of all women. When he was very old he was in the habit, when he left home of entrusting his money to the care of Mr. N., one of his parishioners. On one occasion he returned, went to Mr. N.'s house, and found him absent. He had, however, left the money in the care of his wife, with instructions to deliver it to the old gentleman when he called. Mr. Meiklejohn was horror stricken when she told him this, and in much excitement begged her to bring him the bag at once. This she did, and with trembling hands he counted and recounted its contents until he was satisfied that he had not been robbed. Then, springing from his chair, he grasped her hand and shouted, "Gie us your hand, woman, gie us your hand; you're an honest woman, you're an honest woman." It is related, however, that this was the last time he left his money with Mr. N. He sought out and found a de-

positary who had no such dangerous encumbrance as a woman. This, however, is mere tradition.

The only church in the town at this period stood on the site of the present Presbyterian church. It was erected by persons of the "Episcopal persuasion," and was, in 1784, then "far gone in decay," repaired and made a school and free meeting house, with the preference given to Episcopal ministers. It was afterwards made famous as the place at which the first State Convention to consider the proposed Federal Constitution met, July 21, 1788.

Col. Wm. Tryon, come over to supersede Gov. Arthur Dobbs, landed at Brunswick, October 10, 1764, but Governor Dobbs refused to surrender the reins of government until the coming spring. Colonel Tryon then had time on his hands which he determined to spend in acquiring a more intimate knowledge of the province and its inhabitants, so spent two months in a tour through the province, accompanied by Lord Adam Gordon. It is probable that he visited Childsburg on this tour; for afterwards he seemed much interested in its fortunes, and nearly all of its inhabitants were adherents of his throughout his administration. On November 3, 1766, its name was changed to Hillsboro, in compliment to the Earl of Hillsboro, and no doubt at Tryon's suggestion. He writes to the Colonial Secretary, January 31, 1767, in regard to this change of name: "This act will tend much towards the increase of the settlement of that part of the back country, as well as to civilize the inhabitants thereof. Its situation is upon a rich, red clay soil on the north bank of the river Eno. Though there is at present scarce twenty families inhabitant, I am of the opinion it will be, in the course of a few years, the most considerable of any inland town in this province." Governor Martin, his successor, writes from Hillsboro to the Earl of Hillsboro, July 8, 1772: "This little village, honored by your lordship's title, is situated in a high and apparently healthful and fertile country, but from the extreme badness of the roads, difficult of access and discouraging to exercise, to which, indeed, there is no invitation at present after fulfilling the calls of duty and satisfying that common curiosity to see

new places. The settlements in its environs, though numerous beyond belief, being yet in infantile rudeness, afford but little delight to the observer." Tradition is insistent that the old town clock which still keeps time, and with a little encouragement very good time, in the cupola of the court house, was presented to the town by George III. about this period, 1766-1770. It was made in Birmingham, England, and is said to be a fac simile of the first clock in the tower of Independence Hall (or the old Pennsylvania State house at Philadelphia), and to have been brought over about the same time. This old clock in Philadelphia, however, if it ever existed, was long since replaced, in 1835, I believe, by one of American make. However this may be, the tradition which locates it here in colonial and revolutionary times, was handed down from contemporaries of those times to others who died in the last twenty years, so is entitled to credit. No doubt it was obtained through Fanning, Governor Tryon and the Earl of Hillsboro, with some probability that the last was the donor, instead of George III. In all our colonial history there was none so interested as they in securing it for the town. Tryon, too, purchased quite a large tract of land in the county, and two lots in the town, August 31, 1769. On these lots he erected a "mansion house." His private secretary, Isaac Edwards, also invested and built here, and then Tryon made Hillsboro, July 9, 1770, a borough and a market town. Tradition says that the clock was, about 1770, placed in the tower of the church. There it remained until after the Revolutionary War, when it was transferred to the market house that stood at the intersection of King and Churton streets. This market house becoming ruinous in 1820, the clock was taken down and stored in a warehouse. In 1846 or 1847, it was, after repairs, with the addition of two new dial plates, placed in the cupola of the recently erected court house. When McNeill and Fanning raided the town in 1781, the clock bell was taken out of the church tower and thrown in the Eno River, from which it has never been recovered, a new bell being purchased when the clock was removed to the market house.

Orange County, including then (1767) portions of



what are now Guilford, Rockingham, Randolph and Wake, and all of Person, Caswell, Durham, Chatham and Alamance, had about 13,000 white and 700 negro inhabitants. Among these inhabitants there was, in some sections, not only lawlessness, but positive immorality. There were some morganatic marriages (if I may use the term for a mere consent union), some concubinage and some adultery. Says Mr. Wooddason, a Church of England clergyman who traveled through the province in 1766: "Marriages, through want of the clergy, are performed by every ordinary magistrate. Polygamy is very common, celibacy much more, bastardy is no disrepute, concubinage general. When will this Augean stable be cleansed?" Of course this jeremiad must be taken with grains of allowance, but conditions were bad enough in all conscience. Hillsboro, in colonial times, took moral color from the country that surrounded it, so it could not be called an immaculate town, not by any manner of means. In truth, the most moral communities in the whole section were those over which a few Presbyterian ministers held sway and exerted an influence for good, and Hillsboro was not one of them. And there were, too, in nearly every section men and women and families, law-abiding, God-fearing, honest, upright folk, and still not subject to the influence of these Presbyterian preachers. In Hillsboro, however, particularly at the quarterly County Courts, there were drinking, gambling, horse racing, cock fighting, man fighting and gouging. It was with such a populace as this, ignorant, violent, headstrong, lawless, having the Anglo-Saxon instinct to resist oppression, it makes no difference whether it is real or not, so they believe it real, that Edmund Fanning, gentleman adventurer, educated lawyer and haughty man, came in conflict. The result, of course, was disaster to both parties.

I do not intend to discuss the causes that lead up to what is commonly called the War of the Regulation, except as they affect the history of colonial Hillsboro. This war (if such it may be called), however, beautifully illustrates the effect of agitation against real grievances, but grievances which can be best redressed under forms of law, upon an ignorant, headstrong, law-

less populace. Conscientious leaders, astonished at the storm they have raised, but having no power to abate it, are carried forward with it to their own destruction, while selfish stirrers up of the turmoil, fomentors of the strife, seek and find a secure haven before the storm is at its worst. Of this last class, Herman Husband, the sentimental hero of much modern North Carolina history, was the completest type; by profession a man of peace, yet a continual fomentor of strife, a constant agitator and leader of the people up to the very ragged edge of riot and revolution, then progressively a skulker, an absentee, a man of peace, a Quaker.

The quarrel of the Regulators was with obnoxious officials, not at all with the government, its nature or its personnel. They always professed themselves loyal subjects of King George. Many of them were afterwards rampant Tories. The War of the Regulation, then, was in reality a result of the attempt on the part of the Regulators to redress grievances which they had, or thought they had, against lawyers and public officials, by extra legal means. The war itself, the battle of Alamance, was never planned or thought of or intended by them. Their leaders, the authors and instigators of the agitation, evoked spirits which they could not control, and as a consequence was the Hillsboro riot—the beating of the lawyers and the breaking up of the Court. The only spirit that inspired this was a desire for personal revenge, and it was in effect no more than an administration of that “wild justice” by lawless men. It was not an attack upon the government, else why protect Judge Henderson and the King’s attorney? Afterwards, being all criminals in a common riot, they made common cause in resisting Governor Tryon’s second army come to arrest them; hence, the battle of Alamance, not at all the first battle of the Revolution, not at all the forerunner of Lexington and Bunker Hill, but the afterclap of a disgraceful riot. To say that the same spirit inspired the Regulators that inspired the Sons of Liberty, or the Lexington Minute Men, is, to my mind, sentimental slush, not historical truth. We have too many real heroes in North Carolina for it to be necessary for us to set up any mock heroes. Nor is it true that Fanning



had no excuse for the so-called extortion which he practiced upon the people. It must be remembered that only in recent years has the Supreme Court definitely determined that officers may not construe a doubtful statute liberally in their own favor, so as to increase their fees. On the contrary, they are entitled to no more fees than the statute expressly or by necessary implication provides, thus lessening materially the income of several offices of the State, though the officers themselves and their predecessors had long charged these illegal fees. In Fanning's case, the Act of 1748, so far as it is material here, was as follows: "For registering a conveyance or other writing, 2 shillings, 8 pence."

The question upon this statute was whether the certificate of examination of a married woman, and the certificate to the fact that the persons making the examination were Justices of the Peace, were each, though endorsed upon the conveyance, "other writings" within the terms of the statute, so as to entitle the Register to a distinct fee of 2 shillings 8 pence for recording them. The Attorney-General of the province, the Attorney-General of England, and Mr. John Morgan, of London, all held that they were, so on such a paper Fanning was entitled to charge 8 shillings, whereas, he made a rule, out of abundance of caution, to charge only 6 shillings. These opinions, however unsatisfactory they may appear from the standpoint of more sensible and less technical rules of construction, show that Fanning was not entirely arbitrary in his own construction of the statute. This, however, was only one particular case, and there can be no doubt that public officers generally construed these loosely drawn acts so as to make their offices as valuable as possible, and that their charges were, in some instances, oppressive. This was a real, valid grievance, but it was not one which would justify revolution or war. Yet on April 8, 1768, one hundred Regulators appeared in Hillsboro, took out of the possession of the Sheriff a horse upon which he had levied, tied him securely, terrorized the citizens of the town, fired two or three balls through Fanning's house (he was absent at the time), and then took their departure with the rescued horse. For the next few months of that year both the county

and town were in turmoil. Lieut.-Col. John Gray, Maj. Thomas Lloyd and Adj. Francis Nash tried to embody the militia to aid the Sheriff in the execution of writs against the rioters, but, according to Nash's account, only 120 appeared with arms, and out of those nearly all were open sympathizers with the mob or wished to remain neutral. He said further, "I don't believe 150 men could be raised in the county who would with firmness and resolution follow their officers." During the summer many negotiations were set on foot to bring about a meeting between the leaders of the Regulators and the officials, the Rev. Geo. Meiklejohn being the mediator and go-between in several instances, but both parties were distrustful of each other, and very little came of these negotiations. Governor Tryon, in August and September, embodied the militia from Mecklenburg and Rowan counties, and with them entered Hillsboro September 19. There he was joined by detachments of the Orange and Granville militia. Hillsboro Court, which Tryon's military array came to protect, convened September 22, and that morning 800 Regulators were encamped half mile from town. After some further negotiations between Tryon and the Regulators, which proved futile, they quietly dispersed, leaving the Governor to fight the air. "And thus," says Colonel Saunders, "the battle of Alamance was postponed for near three years." But is it not true that the presence of Tryon and the volunteer militia prevented an outrage similar to the one which occurred just two years later, the breaking up of the Court and the whipping of the lawyers? It was at this term of the Court that Fanning was convicted of extortion and three of the Regulators of riot and a rescue. (See Appendix "A.") The latter were released by Tryon and the payment of their fines suspended for six months, and on October 3 he issued a proclamation pardoning all the Regulators except twelve of their leaders named in the proclamation. He had disbanded his volunteer militia the 1st and 2d of that month. During the remainder of 1768, the whole of 1769, and part of 1770, except the whipping of the Sheriff in 1769, the county and town were free from extraordinary disturbances. The former was fill-

ing up with settlers, and the latter had more than doubled in population in the four years of its existence as Hillsboro. On September 9, 1769, Governor Tryon issued a proclamation of general pardon for all offences committed before October 3, 1768. The Hillsboro District Superior Court convened at Hillsboro Saturday, September 22, 1770, and after the transaction of some preliminary business, adjourned until 10 o'clock, Monday morning, the 24th. Judge Henderson was the only one of the Judges who appeared. The court house, a plain, barn-like structure, stood in the square where the present court house stands, and behind it were the prison and stocks. Outside of the square was the market house erected before 1768. The stores of the town were at the intersection of King and Churton streets. As the court square occupied the southeast corner of this intersection, the stores occupied the other three corners, Messrs. Johnston & Thackston's at the southwest corner. Among the lawyers attending this term of the Court, besides Edmund Fanning, were Francis Nash, Alexander Martin and John Williams. Alexander Martin, then a young man, was afterwards a revolutionary patriot, Governor of the State and United States Senator. John Williams had been a carpenter and was afterwards a member of Congress, and still later one of the first Judges under the State Constitution. Williamsboro, in Granville County, was named for him. Early Monday morning the town was filled by Regulators who occupied themselves until Court convened, by going up and down the streets "shouting, hallooing and making a great tumult." Court convened at 11 o'clock, Judge Richard Henderson still alone on the bench, and Henry Pendleton, Esq., prosecuting for the Crown. The Regulators immediately crowded into the room "as close as one man could stand by another," some with clubs, others with switches and whips, few or none without some weapon. Jeremiah Fields then came forward and told the Judge that he, as representative of the crowd, had something to say before the business of the Court should proceed. On the Judge's telling him to say on, he said that they had come to see that the cases of the Regulators were tried and that they had justice; that the



Court had been unjust at the term preceding; that the jury drawn by the County Court were not impartial men, and they must have others to try these cases. After a half hour's discussion Judge Henderson acceded to their propositions. When he did most of the crowd retired and stood outside in groups about the door and Court square. Then it was that Attorney John Williams came up and advanced towards the door of the Court room. Him, for no apparent cause, except that he was a lawyer, they set upon with clubs and sticks and beat so severely that to save his life he was compelled to take refuge in a neighboring store. This was the first taste of blood, and these patriots, these justly enraged freemen, a connecting link between the Sons of Liberty and the Minute Men, became wild. How excellent the opportunity to give vent to their long pent up revenge! The lawyers and Court officials all in a batch and all helpless! It was more than Regulator nature could stand, so they proceeded under circumstances of the utmost indignity to beat all that they could catch. Fanning they dragged by the heels from the Judge's bench, where he had taken refuge, down the whole length of the Court room, beating him as they dragged him, his life no doubt saved by the universal desire to get in a blow on their prostrate foe. When they had dragged him to the door, by an exertion of strength, he broke loose from them and took refuge in Johnston & Thackston's store. This they immediately attacked with stones and brickbats, breaking everything breakable in reach of their missiles. Meanwhile others of the crowd had whipped Thomas Hart, Alexander Martin, Michael Holt, John Littrell (Clerk of the Court), and others. Lieutenant-Colonel John Gray, Major Thomas Lloyd (the latter Chairman of the County Court, and both active in raising the county militia in 1768), Francis Nash, John Cooke (Clerk of the Superior Court), Tyree Harris, ex-sheriff, and others, escaped maltreatment by flight. While these scenes were being enacted Judge Henderson's thoughts "were much engaged upon his own protection." James Hunter and another of their leaders went upon the bench and assured him that no harm should be done him provided he would continue to hold Court and try cases with the aid only of Mr. Pendleton, the King's

attorney. This he promised, and he continues in his letter to Governor Tryon, from which I derive most of the above facts: "In about four or five hours their rage seemed to subside a little and they permitted me to adjourn Court and conducted me with great parade to my lodgings. Colonel Fanning, whom they had made a prisoner of, was in the evening permitted to return to his own house on his word of honor to surrender himself next day. At about 10 o'clock that evening I took an opportunity of making my escape by a back way and left poor Colonel Fanning and the little borough in a wretched situation." That night the Regulators regulated the town by stoning all the houses and smashing the window lights. The next morning many of them were in favor of putting Fanning to death. Better counsels prevailed, however, and they spared his life on condition that he run until out of their sight. Tradition says that this was the most enjoyable part of the whole orgy. They chased with many a view halloo and crack of the whip the brave Colonel Fanning, who, with only thirty men, had gone out into their settlements two years before and had arrested two of their leaders—the proud, haughty, overbearing Mr. Fanning, who had nothing in common with the common people—the rich, prosperous Fanning, who had built a handsome house from money which he had extorted from their hard earnings, from Churton street to the river, through it, then half a leg deep, and over and beyond Thompson's hill; and then they went back, wrecked his house, destroyed his furniture, and spilled or drank his wines and liquors.

It is related that the mob, in destroying Fanning's house, found a large pantry in the back yard, in which was a bell purchased by him for the Episcopal church "recently erected." This the most sapient among them took to be a "spice mortar" used by Fanning on great occasions to make flavoring for his and his guests' drinks, and in a few moments it was in fragments. I think it possible that this bell was the bell of the clock not yet put in place, for that bell weighs 300 pounds. However this may be, the Regulators, after this destruction, repaired to the court house, where, putting one of their number on the bench as Judge and making another

sheriff, and still another (one York) Clerk, they proceeded to dispose of the cases on the docket, with judgment invariably in favor of those of "regulating principles," sometimes entered with profane emphasis. They condemn one defunct party to sheol, and damn some of the living parties, without stating where the sentence is to be executed. (See Appendix B).

Tradition says that they made Fanning plead before this mock Court; but it is not likely they would have done so, without perpetuating his disgrace by entering the fact upon the docket, and this they did not do. Wednesday night they took their departure, and in a few days the frightened inhabitants came back one by one. It was some months, however, before business was re-established and events resumed their even tenor.

## CHAPTER 2.—1771.

The Regulators seemed to have an especial antipathy for Hillsboro, no doubt because it was the county seat and the residence of Edmund Fanning. During the latter part of 1770 and the early part of 1771, for fully six months, its inhabitants lived in a state of constant apprehension, ready at any time, day or night, upon the slightest alarm, to find safety from death or outrage in instant flight. It is true that Francis Nash, Edmund Fanning, Adlai Osborne, Alexander Martin, Thomas Henderson (a brother of Judge Richard), Jesse Benton (father of Thomas H.), William Johnston (a nephew of Governor Samuel and a merchant of Hillsboro), and others, just after the riot of 1770, formed an association for mutual aid and protection; but the members of this association, as a general rule, lived at points so distant from each other, that the promise of mutual aid, in a sudden emergency, must have proved illusive—for instance, Alexander Martin, in Guilford or Rowan; Adlai Osborne, in Rowan, and Thomas Henderson, in Granville. Only once, however, and that in February, 1771, was this state of alarm justified by the event. A mounted troop of Regulators, arrested in their march to New Bern by news of Herman Husband's release, swooped down upon the town and drove its frightened inhabitants to cover. They did no great damage, however; helped themselves to the liquors at the tavern, and as a troop rode at full speed through the streets, firing their pistols and uttering their war whoops. Then they disappeared as suddenly as they had come.

In the Assembly which met at New Bern December 5, 1770, Herman Husbands and John Prior appeared as representatives of the county, and Edmund Fanning as representative of the borough. Both the county's representatives were of "regulating principles," Husbands the great agitator of the period, Prior a Regulator only in sympathy. It may be noted in passing, it being omitted in its proper place, that Husbands was one of the first residents of Hillsboro, then Corbinton. November 9, 1755, he purchased from William Churton two lots and



built a residence upon them. He lived in the town, however, only a few months. Of course the proceedings of this Assembly are not material to this history except as they affect the characters who figure in it. The committee appointed to reply to the Governor's speech was composed entirely, except Edmund Fanning, of those who were afterwards distinguished patriots—Robert Howe, Major General; Samuel Johnston, Governor and United States Senator; Maurice Moore (Atticus) dying too early, 1777, for him to have contributed much to the cause; Cornelius Harnett, member of the Continental Congress; Abner Nash, Governor and member of Congress; and Joseph Hewes, one of the Signers. It is remarkable that these men, seeing the circumstances in a much clearer light than we can possibly see them, should in their reply say: "The conduct of public officers in some parts of this province, perhaps, has given just cause of complaint. This, sir, we would willingly believe hath not wholly arisen from a depravity of morals among the servants of the public. In some instances we are inclined to think it the consequences of an inconsistent and oppressive fee bill. That act has annexed fees to unnecessary services, which in this country are never performed, yet, ideal as they are, they are carefully attended to and often received. In other cases, much to the prejudice of the officer, it has left services necessary and incumbent wholly unprovided for." They then, these patriots above suspicion, go on and condemn without stint both the motives and acts of the Regulators.

Herman Husband they expelled from the House on December 20th because, first, he was a leader of the Regulators; second, he had libeled Maurice Moore; third, he had lied about this libel on his examination before the committee; fourth, he had said that if he was imprisoned by the House the Regulators, as one man, would embody, march to New Bern, destroy the town and release him.

That same day C. J. Howard, at Tryon's solicitation, issued a warrant against him for this libel on Maurice Moore, and he was arrested and cast into the New Bern jail. There he, the noble leader of a noble cause, a cause that had enveloped in it the germ of all the self-sacrifice



and patriotism of 1776-1783, without bail, languished until February 8, 1771! Then, the grand jury of a special term of Oyer and Terminer, from a lack of evidence, failed to find a bill against him, and he was discharged. Meantime the Regulators had embodied from Rowan and Orange and Granville and were marching under James Hunter towards New Bern, but disbanded at Haw River on hearing that Herman was discharged. Rednap Howell, too, had gone to Halifax in an attempt to raise the country there. He desisted on hearing of the release. His programme as announced there, though direct, sturdy, forcible, if carried into effect, would have been infinitely more tyrannous than any form of government the province could have. "I give out here," writes he, "that the Regulators are determined to whip every one who goes to law, or will not pay his just debts, or will not agree to leave his cause to men where disputed; that they will choose representatives, but are not to be put in jail; in short, to stand in defiance, and as to thieves to drive them out of the country." In other words, government by the self-constituted leaders of a mob. A Jack Cade system in truth, a lawless programme, to be carried out by lawless men! Yet we are to believe that the Hillsboro riot of 1768, the whipping of Sheriff John Lea in 1769, the breaking up of the Court in 1770, the burning of Judge Henderson's stable and barns, his dwelling and out houses, soon after, and the march upon New Bern in 1771, were all but the overflow of exuberant patriotism!

Tradition says that Herman Husbands had himself collected all the taxes due by all his constituents, had put the money in a bag and carried it with him to New Bern. When, therefore, the House as a body repaired to the council chamber in the newly erected palace to hear the Governor's address in opening the Assembly, Husbands carried the bag with him. "When his name was announced as a member from Orange, the Governor, in a haughty tone, demanded why the King's subjects in his county had refused to pay their taxes. With the plainness and firmness of a Quaker (and of a statesman from Sandy Creek), he replied that the people owed His Excellency so much butter; but as that was apt to

stick to one's fingers, they had turned it into money and had sent it by the hands of their commoner. With that he walked up to the Speaker's table and laid down his bag of specie, saying, "Here are the taxes which were refused to your sheriff." But the Governor "eyed him with contempt," etc. This story is one which it is impossible to verify or to disprove. I, myself, think it probable that it had its origin either in the glamour which tradition aided by rumor throws about a popular hero, or in a story which Herman himself told when he got back home. Imagine the Clerk of the House calling the roll of the House in the council chamber, or Tryon, who was a stickler for forms, interrupting the ceremony for a colloquy with a member of the lower house!

There was no term of the Superior Court for the Hillsboro district in March, 1771. Instead, an entry to this effect, found still in the court house here:

"The persons who style themselves Regulators and under the conduct of Herman Husbands, James Hunter, Rednap Howell, William Butler, Samuel Deviney and others, broke up the Court at September Term last, still continuing their riotous meetings and severely threatening the Judges, lawyers and other officers of the Court, prevent any of the Judges or lawyers attending. Therefore the Court continues adjourned till September Term, 1771." It was perfectly apparent to every leading man of the period that conditions were such that the ordinary machinery of the government could not deal with them, hence the Johnston Act (in some of its features a harsh and tyrannous measure), and the consent of the Assembly to Tryon's using the militia to enforce law and order. It is not in the province of this article to set forth or discuss the Johnston Act. It is sufficient to say that its harsher and unconstitutional sections were invoked in only one instance, and that as a justification for the hanging of James Few. There is no doubt that all taken in arms at the battle of Alamance, or present, advising or consenting to it (an armed resistance to the government) were guilty of treason, and forfeited their lives thereby. Governor Tryon then was doing what circumstances compelled him to do, when with the eastern militia and the five guns from New York, he, the last

week in April, 1771, left New Bern for the West. The army came into what is the present county of Orange, along an old and disused road, by Patterson's, in Durham County, and on to Hillsboro, entering it from the south. It encamped on the south bank of the Eno and opposite the town, on Thursday, May 9, 1771. The site of the camp was probably on the Thompson property, just north of the railroad and between it and the river. The Orange detachment of Tryon's army consisted of four companies under the command of Colonel Edmund Fanning. Only two companies of these marched with the army to Alamance, the other two were left as a guard for Hillsboro under the command of Colonel Ashe, but joined before the battle. Here also a hospital was established and a depot of supplies. On Saturday, May 11th, the army marched through town and took its way west along what is now the Graham road. As we shall not follow it further, I note here that the battle of Alamance was fought May 16th with the result that nine of Tryon's army were killed and 61 wounded, 20 Regulators killed and about 200 wounded. Williamson says that the engagement commenced with the discharge of five cannon (this accords with Tryon's order book), and that Colonel Fanning, who commanded the left wing, unused to action and deficient in courage, fell back with the whole of his regiment except Captain Nash and his company. This company was composed almost wholly of residents of Hillsboro and its immediate vicinity. A special term of Oyer and Terminer had been convened at Hillsboro, all the Judges—Howard, Henderson and Moore—present, on May 30th, but its sittings were adjourned until the return of the army with its prisoners. It did return on June 14th and the next day marched through town with drums beating and banners flying, and each officer and soldier with his hat cocked and a sprig of oak in it, and encamped a mile east of town. Meantime the Court resumed its sittings and fourteen prisoners were tried for treason and twelve were convicted and sentenced to death. Six of these, James Stewart, James Emmerson, William Brown, Forrester Mercer, James Copeland and Harmon Cox, were respited at the request of Tryon's officers, until an appli-



eration for pardon could be made to the home government. All of these were, for some unknown cause, released from confinement almost immediately and were formally pardoned the next year. It is unfortunate that the record of this Court and these trials is not to be found here. I am, then, indebted wholly to the Colonial Records and Caruther's Life of Caldwell for the information in regard to the six executed, here collected. The Colonial Records give the names of only two of these, Merrill and Matear, Caruthers the names of only four, Merrill, Matear, Messer and Pugh, so the names of two are unknown. The day of the execution was June 19th, the place, a slight elevation just out of and east of the town, now in the Cameron grounds, and now marked by a slab. There after clearing off the grounds for a great space about it the gallows had been erected. Tryon paraded his whole army that morning, and in general orders directed the order of march; the artillery formed the front and rear of an oblong hollow square, the infantry the longer sides, while the light horse acted as escort, and the main guard marched in the square with the prisoners. No doubt thousands of spectators had assembled from far and near, and Governor Tryon intended this display to impress the crowd with the hopelessness of any further resistance against the government. If there was anything ridiculous in it, it must have come from the equipment and discipline of the soldiers themselves.

Of the four men executed, of whom we know anything, James Pugh was unquestionably the hero. He was a gunsmith by trade, a leading Regulator, had advised, or taken part in nearly all their illegal acts, had at the battle of Alamance, after all his friends had fled, continued until captured, with the aid of three others, to shoot down the gunners serving Tryon's cannon, and now, at the gallows a condemned traitor, had no apology to make for his past course. Instead he defended it all in the half hour that the Governor had allowed him and boldly charged Tryon himself with dereliction in duty in not siding with the people against dishonest and unfaithful officials, advised him to put away his corrupt clerks and tax-gatherers and be a friend of the people

whom he had come to govern. The account goes on to say that when he said that Fanning was unfit for the office he held, the barrel on which he stood was kicked over at the instance of that officer and he was launched into eternity before his speech was concluded. This part of the account is doubtful. It was the habit of those at the period at which this account was written (long after the event, and the writer depending upon tradition or rumor for his facts), to bring Fanning in, as the suggesting fiend or active demon when any specially dark scenes were depicted. In the first place, Fanning was the colonel in charge of the Orange detachment, and with such a commander as Tryon, a thorough soldier and a stickler for forms, it would have been a serious breach of military discipline for him to leave his place and communicate with the sheriff of the county, who had the execution in charge. This Tryon would never have allowed. Again, the hanging of these men was not a lynching. They were executed in due form of law. They were drawn to the place of execution in carts or wagons, of which there were many with the army, and if any improvised platform was needed one of these was used. The probabilities, then, are all against the use of as crude a means as a barrel, particularly as Tryon, if not present at the execution, took an active interest in all the preliminaries.

Benjamin Merrill, who was a captain of militia in Rowan County and, according to all accounts, an honest, upright man and a member of the Baptist Church, had a wife and eight young children. "He died," says Tryon, "under a thorough conviction of his crime and the justness of his sentence and addressed himself to the spectators to take warning by his suffering." In this Tryon is sustained by Morgan Edwards, 8 Colonial Record, page 656. He was not at the battle of Alamance, but was "one of those who opposed General Waddell." His dying request that the forfeiture of his property should be remitted, was afterwards respected in behalf of his wife and children. Of Robert Matear little is known. He was an unmarried man whose aged parents had conveyed him all their property. Caruthers says that he went with Robert Thompson on the eve of

the battle of Alamance to confer with Tryon on some plan for composing the troubles; that he with Thompson was held as a prisoner, though he had never taken any part in any riot and was a Regulator only in sympathy. Against this, however, is the fact that he was convicted at Hillsboro and executed though six other convicts were respited and afterwards pardoned. In his case, too, and in behalf of his aged parents, the forfeiture was remitted. Of Captain Messer nothing is known except what is told by Caruthers, and much of that is probably fictitious. He was an influential man, who had taken an active part in the Regulator troubles. He was captured at Alamance and on account of his prominence was to have been hung the day after the battle, but at the time set for the execution, his wife and oldest child, a son ten years of age, appeared upon the scene. She threw herself upon the ground in an agony of tears, while he stepped up to Tryon and asked him to hang him and let his father live. The Governor asked him who had instructed him to do so. "Nobody," answered the boy. "What is your reason, then, for making this offer?" "Because if you hang my father, my mother will die and the children will perish." Tryon was very much touched at the child's earnestness, simplicity and courage and promised that his father should not die that day. On Fanning's suggestion (the only instance recorded in which he was not standing at Tryon's ear as a tempting fiend), Messer was offered a pardon on condition that he go out and bring Herman Husbands in. Herman, at the first gun at Alamance, had mounted his horse and fled to parts unknown. Messer accepted the offer, and leaving his wife and son as hostages, pursued Husbands into Virginia and overtook him there, but not having sufficient force failed to capture him. He returned then alone and he was again put in chains until his execution. His wife was sent home, but his son was kept as a foot page by Tryon. It is entirely improbable that Governor Tryon, with the Court awaiting him for the trial of all prisoners at Hillsboro, would have taken the life of any prisoner after the battle without some color of excuse if not justification. He did hang James Few (a cruel and unnecessary act), but he was one of the Hills-



boro rioters against whom a true bill had been found at New Bern the March before, and while the sixty days had not expired after the advertisement required by the Johnston Act to make him an outlaw, the fact that he was taken in arms against the government might very plainly be taken as a waiver of his right to plead to the indictment. (See Appendix C.) It is certain that Tryon considered all of the 62, against whom true bills had been found, as outlaws whose lives were to be taken and whose property was to be wasted, but he himself respected and required his army to respect the lives and property of all others, as his order book shows. Now Messer was not one of these, and James Pugh, a more active and a more dangerous Regulator, was not one of these, and both were carried to Hillsboro, tried there, convicted there and executed there.

If, too, this pathetic incident had really occurred at Alamance, it is utterly inconceivable that the forfeiture of Messer's property should not have been remitted for the benefit of his wife and children, though he might have been executed.

Rev. George Micklejohn was concerned in one of the most interesting episodes of the exciting events then occurring in Hillsboro. Thomas Person, for whom as General Person, the county of Person was afterwards named, had been arrested and put in the jail at Hillsboro to await his trial at the coming special term of Court. There was little or no evidence of his participation in any illegal act of the Regulators, except that contained in some papers left at his home, Goshen, in Granville County, some thirty-five miles distant. Mr. Micklejohn, his friend, as well as his pastor, was allowed to visit him in jail. He frankly told the parson of his trouble, and the old gentleman, though a warm supporter of the government and an ardent advocate of the "right divine," volunteered to secure the papers and destroy them before Person's house could be searched. To do this and avoid suspicion required a night ride of sixty or seventy miles. Now, Mr. Micklejohn, besides having an appreciative taste for ardent spirits, had a discriminating and discerning eye for a fine horse, and owned at that time a very swift mare. This at nightfall he mounted, rode to

Goshen, secured the papers, destroyed them and next morning appeared as usual on the streets of Hillsboro, mounted on his mare, after having well fed and well rubbed her. Something, however, had happened the night before to excite suspicion, and when asked if he had not taken a night jaunt, he whipped the devil around the stump, by saying that if he had, his mare would not appear so "gaily" that morning. For this, the old parson found Goshen a place of refuge during the Revolutionary War and a home in his old age, even after General Person's death. He lived to be nearly if not quite one hundred years old.

Tryon, when he returned from Alamance, sent a squad of soldiers to Person's house to secure evidence against him. Though they broke open his desk and ransacked his papers, no evidence was found. From lack of this he was not tried. He was, however, drawn with the other prisoners, to the place of execution and then back to the jail. He was confined three weeks in Hillsboro, was then carried to Wilmington and released on bail there. He appeared at New Bern November 22, 1771, as a delegate from Granville to the Assembly.

The War of the Regulation and its more serious consequences ceased upon the departure of Tryon's army from Hillsboro, June 20th. He, himself, left immediately for his new government of New York.

It is not intended to assert that Tryon had none of the harshness and haughtiness of the gentleman soldier of the period. But to view him properly it must be remembered that the position forced upon him by the Regulators required him to use effective means to quiet disturbances which had assumed the form of open defiance and armed resistance. No means under the circumstances could be effective without operating harshly in individual cases. No forbearance, no mercy, no courage, no wisdom could prevent this. The Almighty Himself does not prevent the harshness of general laws that govern and control the affairs of this world. Governor Tryon, then, was a fallible man dealing with an exceedingly trying and difficult situation (and he dealt with it effectually, though making mistakes, as he necessarily must), and not a great wolf harrying and destroying a weak and



defenceless flock, as some historians would have us believe.

Edmund Fanning, already Surveyor General of the province of New York, left also for that province late in 1771. At the September Term of the Hillsboro Court he appeared as an attorney in North Carolina for the last time. Governor Martin, Tryon's successor, a garrulous and tactless man, but seemingly anxious to do justice and love mercy in his dealings with the people of the province, prevailed upon him to take a nonsuit in the actions which he had brought against individuals for the destruction of his property, on the promise that the Assembly should reimburse him the £1,500 that he claimed. This sight draft upon its benevolence the Assembly next year refused to honor, so Mr. Fanning had to pocket his loss. Here Hillsboro takes leave of him, and so, after a few words, must we.

He was no more the demon that tradition paints him than he was an admirable character. He was outwardly a gentleman, polite, even courtly, in his intercourse with his equal, but supercilious and haughty to those whom he regarded as inferiors. To describe him in a term, he was a gentleman carpet-bagger, looking upon the people about him as inferiors, if not aliens, to be used for his own purposes. Rights of theirs which conflicted with his interest he would not respect. He was then, in his dealings with them, not only unscrupulous, but overbearing, tyrannical.

He was by no means a coward, his subsequent career shows this, but no man of high courage would have accepted life upon the conditions that the Regulators imposed upon him in September, 1770. He would rather die, and dying, sell his life as dearly as possible. This high courage is rarely found in such a character as his. The weak and helpless, the ignorant and the lowly can never be its victims. His is a character, however, that is not essentially cruel. Once, though, heap indignities upon him when he is helpless, once outrage him in every fibre of his nature, and he is cruel, relentlessly cruel. Never in the history of North Carolina was a high-spirited man so unmercifully, so hopelessly disgraced as was Fanning. He found peculiar pleasure, then, in lay-

ing waste the farms of the so-called outlaws, in suggesting and witnessing the summary execution of James Few, in taking part as an officer of the guard in the legal executions at Hillsboro, and, perhaps, in hastening the end of James Pugh at that time. This was his revenge, and no doubt it was sweet to him. James Few had aided in destroying his house, had, probably, beat him and had joined in the chase down Churton street. James Pugh had been a leader in all these attacks upon him, and possibly the others had participated in them. They had had their revenge then; now he had his. Notwithstanding all this, he was not a demon, not essentially a cruel man, cruel though he may have been in pursuit of revenge, but a fair average character among the gentlemen of the period. But he was not sufficiently fearless to meet any odds in a cause he believed to be right, not sufficiently self-sacrificing to be a patriot. Afterwards then, in New York, he was a Tory. Such characters are always Tories, and will be until the end of time. In his removal a dangerous foe to the liberties of the people was transferred from North Carolina to New York.

## CHAPTER III.—1772-1774.

For the first time in a year and a half there was a term of the Superior Court for the Hillsboro district, commencing September 22, 1771, Judges Maurice Moore and Richard Henderson presiding; 74 cases on the trial docket, 54 on the reference and 171 on the appearance. Among all these cases, however, there was none of historical interest except one entitled as follows:

James Few vs. Francis Nash—case, plea non assumpsit—abated by the hanging of plaintiff. Thomas Clark qualified as Clerk and William Kennon, Adlai Osborne and John Cooke as attorneys at this term. Thomas McGuire, an Irishman and an able lawyer, Attorney-General of the province. John Williams, Edmund Fanning, William Hooper, John Kinchen, James Milner and Francis Nash were the other attorneys present.

Herman Husbands having been expelled and John Prior having died, Ralph MacNair and Francis Nash were elected Representatives for the county in their stead, and took their seats in the Assembly December 10, 1771.

All the troubles and anxieties of the Regulator period being past, the little town was to have a gala season during the summer of 1772. It had grown much, had quite a number of substantial if not wealthy inhabitants, whose residences, scattered along King, Queen, Tryon and Wake streets and Margaret lane, were, if not handsome, commodious and comfortable. Of these William Johnston (the senior partner of the mercantile firm of Johnston & Thackston), James Thackston (the junior partner), Ralph MacNair (another merchant), John Dowell (still another merchant), Nathaniel Rochester, James Watson (who had succeeded Fanning as Register), Thomas Watts, John Kinchen (an attorney), Thos. Burke (a new arrival, of whom hereafter), and Francis Nash, were easily chief. In the county, too, and north-west of the town, were the Bentons. Eighteen miles east was Mr. Richard Bennehan, with his large possessions and hospitable home; in Granville, were the Hendersons and Williams; fourteen miles west, was the

countryseat, Winindale, of Mr. Samuel Strudwick, member of the Council and friend of Governor Martin (see Appendix D) ; and south were Thomas Lloyd and John Hogan. When, therefore, it was announced that Governor Martin was to transfer his Court from New Bern to Hillsboro for the summer of 1772, all these good and loyal servants of the King were alert to give his representative a suitable reception. The following letter to Richard Bennehan, Esq., speaks for itself:

“HILLSBORO, June 29 (Monday), 1772.

“DEAR SIR:—This serves to acquaint you that the Governor’s baggage arrived at this place on Saturday evening last. The letters that came say that His Excellency, with his family and retinue left New Bern the 21st current, and is not expected to be nearer than Nathaniel Cary’s this night, owing to his horses being in bad plight, though Colonel Nash sent off five yesterday to meet them, which will be some assistance. It is thought that they will not get further to-morrow evening than Wake Court House or Nathaniel Jones’, so that they can not reach Hillsboro before Wednesday night. They travel very slow and are upwards of twenty in number. However, it is agreed that we start to-morrow morning after breakfast in grand cavalcade and not return until we meet them. Messrs. Hogan and Osborne join us at John Booth’s, and I hope you will at John Patterson’s. If we get there first will wait for you, and if you arrive first you may stay for us. I am, dear sir,

“Your most obedient servant,

“WM. JOHNSTON.”

Governor Martin followed the route taken by Tryon’s army the year before, so passed by Patterson’s and New Hope Creek (about half way between Chapel Hill and Durham as localities are now), and entered Hillsboro from the south. It is not recorded where the grand cavalcade met him, but we may be sure that the little borough and the surrounding country greeted him on his arrival at his destination, Thursday, July 2, right royally. Says he, writing to Earl Hillsboro, six days afterwards: “I see with pleasure this borough recovering of



the violence of the late insurrection, marks of which still remain to keep alive a dreadful remembrance of that unaccountable commotion in the minds of its inhabitants, who received me on my arrival here with every demonstration of respect and loyalty."

There are no traditions, except a very vague one, in regard to this stay of Governor Martin in Hillsboro. So it is impossible to ascertain with definiteness the place of his abode. There were, at least, two taverns in the town at that time. One that later was known as Faddis', which stood diagonally across King street from the court house and was set back about twenty-five yards north of that street. This was the tavern which in 1778 excited the admiration of Judge Iredell, on his way through Hillsboro to Salisbury, and still later was used as Cornwallis's headquarters. Another very much less pretentious was on Churton street and just north of what is now Parks & Hedgepeth's store. Some of the Governor's retinue, no doubt, were accommodated at the former of these taverns. It is possible, of course, that some of them were entertained by the citizens of the town. The only colonial house now standing in the town is the old part of the residence of Judge Nash, afterwards used by his daughters and niece (the Misses Nash and Miss Kollock) as a school room and recitation rooms. Tradition says that this was at one time occupied by a colonial Governor, and as Martin was the only one of them who made a prolonged stay in Hillsboro, it, if true, must refer to this period. However this may be, it is certain that the citizens of the place and the surrounding country used all their resources to the best effect in entertaining their distinguished guest. His residence in Hillsboro, too, no doubt attracted other prominent men. It is certain that Chief Justice Howard, Judges Moore and Henderson, Attorney-General McGuire, Alex. McCulloch and Samuel Strudwick were there and almost as certainly others, and many of them with their ladies. The Governor commenced his return trip via Halifax to New Bern, September 25th.

There was another event in the history of the town during that year that was of even more importance to its future, indeed to the welfare of the State at large, than

the Governor's visit, and that was the location of Thomas Burke in it. He was admitted as an attorney March 23, 1772. He was a native of Ireland, a gentleman by birth, and a physician by profession, had settled in Accomac County, Virginia, had gone thence to Norfolk, had there changed his profession to the law, and, as before said, had come to Hillsboro to practice it. He was at this time (if Wheeler is to be believed) in his twenty-sixth year, "of middle stature, well formed, much marked by smallpox, which had caused the loss of his left eye. His remaining eye was an expressive mild blue." No doubt "an expressive mild blue" to his daughter, who gave this account of his personal appearance, and no doubt upon occasion it would lose this mild blue and flash indignation and wrath, for with an Irishman's virtues, he had an Irishman's faults. He had a big heart and a big brain, and was always ready to fight and equally ready to forgive. If it had not been for his big brain and heart, his quickness to resent a real or imagined insult would have made him a mere fire-eater, constantly thrusting his sensitive honor in the faces of his associates. As it was, no man had warmer and more devoted friends, fight though he would, if insulted. It was a time when men's so-called honor had erected an objective standard to test their conduct, to the disregard of the subjective one which one's own conscience and judgment must provide. It was Burke's subordination of the latter to the former that afterwards caused his death, and prevented his ranking as a statesman with Samuel Johnston, as a lawyer with Iredell, as a people's man with Alexander Martin, for, barring this, he had the mental characteristics that would have made him equal if not surpass them all in these capacities, so many sided was he. But this is a story that is to be told hereafter. What a contrast there was between this fiery Irishman and his friend and competitor at the bar, William Hooper, both at one time residents of Hillsboro and both buried here! Hooper was calm, serene and unruffled under any and all circumstances, one of the rare characters that meets the world and life as friends, welcomes them as friends, and is dealt with kindly by them as a consequence. His person was handsome, his manner

easy, graceful and impressive, but his style was too ornate and diffuse for the best effect. He was at this time (1772) only thirty years of age, had been a law student of James Otis, of Massachusetts, and no doubt had imbibed many of his views on politics, had, in 1767, married Ann Clark, a sister of Thomas Clark, of Wilmington, recently appointed Clerk of the Hillsboro Superior Court, and afterwards a general in the Revolutionary War, and had located at Wilmington for the practise of his profession. He belongs, however, as much to Hillsboro as to Wilmington, and as much to the State at large as to both of them. Unless his portraits flatter him, he must have been a man of rare personal attractiveness. His head and face and eyes emphatically mark him as the handsomest of the signers of the Declaration. His eyes are particularly expressive, calm, serene, honest, truthful, far-seeing.

Another visiting attorney at the Hillsboro Courts at this period was Abner Nash, of New Bern. He was an older brother of Francis, had come into the province from Prince Edward County, Va., in 1763, had settled at New Bern; after the death of Governor Dobbs, had married his young widow, nee Miss Justina Davis (upon that marriage depends much of the subsequent history of the period), and after her death had, in 1773, taken as a second wife Miss Mary Jones, a Chowan heiress. He was a man of decided ability, both as a lawyer and speaker, but was hampered all his life by ill health and expensive habits. Nevertheless, he made a very considerable figure, to use a phrase of the times, before, during and after the Revolutionary period. He, too, was interested in Hillsboro, owned some of the town lots, and had dammed the Eno and erected the first mill in the corporate limits of the town.

James Milner, of Halifax, was another attorney in full practice here, sharing with John Williams, John Kinchen and McGuire the cream of the practice. He died, however, the following year (1773). I have now in my possession a law book, formerly his property, and containing his coat of arms. From the September Term, 1772, to the March Term, 1778, there is an impressive blank in the records of the Hillsboro Superior Court.

The explanation is, in short (I do not pretend to give a full history), as follows: Governor Dobbs, in his last will, left a legacy of £2,000 to his young widow, and appointed his sons, Conway and Richard, executors. His lands in North Carolina were chargeable with this legacy, and Abner Nash, after his marriage with Mrs. Dobbs, acting under the Tryon court law, attached these lands and had judgment. The devisees and heirs at law of Governor Dobbs procured an injunction which the provincial Court of Chancery made perpetual. From this decree, Mr. Nash appealed, and it was reversed by the Privy Council (the Court of Appeals in colonial causes) in May, 1774, the Court saying it could not get over the Tryon law. While this cause was pending, however, Lord Hillsboro was Secretary of State for America, and Lord Hertford Lord Chamberlain, and both were members of the Privy Council and North of Ireland men, and friends and neighbors of the Dobbsses. They then, so it is stated, caused peremptory instructions to be sent to Governor Martin to refuse his assent to the continuance of the attachment provisions in the new court law which was to take the place of the Tryon act in March, 1773. Then began the controversy between the Governor and Assembly, increasing in acrimony year by year, and resulting in the immediate destruction of the courts and the ultimate flight of Governor Martin.

The opposition to the Stamp Act in North Carolina was confined almost wholly to the seacoast towns. It was vigorous and effective there, for Governor Tryon, with great tact and political acumen, yielded to the opposition, and in yielding made lasting friends of its leaders. So much so that in the heat of the controversy about attachments, they appealed to him to use his influence with the government to have the instructions to Governor Martin recalled or greatly modified. He did succeed in having them modified, but not to the extent demanded, and did have North Carolina, as well as his own government (New York) exempted from the restraining Act of 1774.

The trouble in Boston, the massacre of the citizens (1770), the acts against the commerce of that port, the quartering of soldiers upon its inhabitants, caused a



wave of sympathetic wrath to stir the people of North Carolina, as it did those of other provinces, and gave point and illustration to the arguments of the Whig leaders. The duty upon tea and the opposition thereto (1773) intensified this feeling. But there was nothing immediately tangible that affected the great mass of the people, until the struggle about the attachment law between Governor Martin and the Assembly began. The Whig leaders had at last something that could be brought home to the minds and hearts of the people. The other provinces had similar attachment laws. At home they existed in the cities of London and Bristol and York. To deprive North Carolina of them, then, was an exercise of purely arbitrary power, to be resisted even to the destruction of the courts. Poor Governor Martin all during this controversy was a pitiable object. His devotion to his royal master was so intense that it was pathetic, and all his sensibilities were being constantly outraged by the bold, firm, compact, unyielding replies to his addresses. Now with tears in his eyes he would plead with them, now with wrath and disgust in his heart he would scold them, but always to find himself in the end a feeble, if not foolish, man contending with strong men, conscious of their power and daring to use it even against his royal master. This attachment trouble, then, was the immediate means by which the people were aroused to a sense of impending trouble and a knowledge of their own strength. And in this way it facilitated a union of the various provinces in a common cause. On December 8, 1773, the Assembly appointed a committee of correspondence. On August 25, 1774, the first convention met and appointed delegates to the first Continental Congress. That same year the first Congress met. A second Provincial Congress convened at New Bern, April 3, 1775, and appointed delegates to the second Continental Congress. All portentous events that bore unconscious or only semi-conscious men on to their destiny.

Ralph MacNair and John Gray represented the county and Francis Nash the town in the first Assembly in 1773. The representation remained the same in the second Assembly, except that Thos. Hart was substituted for John Gray.

Thos. Hart alone represented the county at the first Provincial Convention, and the town was unrepresented.

In the Assembly of 1775, the representation of both county and town remained unchanged.

In the Provincial Convention of 1775 the county was represented by Thos. Burke, John Kinchen and Francis Nash.

Late in 1774, Hillsboro acquired another distinguished citizen through the coming of James Hogg, a Scotchman of culture and comparative wealth. He was of the same family as the Ettrick Shepherd, and his wife was second cousin to Sir Walter Scott. He was a native of East Lothian, Scotland, but was a resident of the parish of Reay, near Thurso, when he emigrated from that country. He owned all the land for a mile and more opposite the town along the south bank of the Eno, but resided until 1793 or 1794 on what is now the Cameron property. About that time he removed across the river to Poplar Hill, where is now the residence on Gen. J. S. Carr's Occonechee Farm.

## CHAPTER IV.—1775.

The story of Hillsboro in the Revolution commences in 1775. There were many Tories in the county of Orange at the beginning of that year—Regulators in the outlying districts and Scotch and English merchants in and about Hillsboro. There were many neutrals, too, men who from timidity or constitutional conservatism had not made up their minds. There was no safety committee in the county, until the summer of 1775. The principal event in the life of the town that year was the meeting of the first Provincial Congress (the third convention) there in August. Before writing of this, however, it is necessary to give a general view of the progress of revolutionary sentiment throughout the province. In accordance with the recommendation of the Continental Congress, safety committees had been appointed in all of the eastern counties, and in a few of the western. Some of these committees were appointed in November or December, 1774, the remainder in the spring or summer of 1775. The last Colonial Assembly had met in New Bern, April 4, 1775, only to be dissolved by the irate Governor on April 8. The second Provincial Convention had met at the same place April 3, and adjourned April 7, after empowering John Harvey, or, in case of his death, Samuel Johnston, to order, at his discretion as to time, an election for delegates to attend a third convention at Hillsboro. The battle of Lexington had been fought April 19, and the news of it, by express, had entered the province at Chowan County, Wednesday, May 3, and passing by Edenton, Beaufort County, Bath, New Bern, Onslow County, Wilmington and Brunswick had left it at Boundary, Tuesday, May 9. Governor Martin, the last week in May, had fled from New Bern and taken refuge at Fort Johnson, June 2, and in July, finding it insecure from attack, had ordered it dismantled and boarded the *Cruizer*, a sloop of war in the Cape Fear River. The battle of Bunker Hill had been fought June 17. Troops and munitions of war were being hurried to America by the British government. A large majority of the Regulators in Orange,

Guilford, Rowan, Surry and Anson, and nearly all the Highlanders in Cumberland and other counties, were still loyal to King and Parliament. There was no longer any civil government in the province, and no courts, save those of Justices of the Peace. It is true that in some of the counties and towns, committees of safety had usurped the functions of government, and within their spheres governed wisely, firmly and moderately. But these were purely local concerns. There was no general government, though Governor Martin, from Fort Johnson or the sloop *Cruizer*, in the Cape Fear, while he intrigued with the Regulators and Highlanders, pretended still to exercise the functions of government. He was, however, a mere paper governor, enforcing his authority by paper proclamations. There was no military organization, save a few independent companies and the militia, which in some counties was preparing itself for defense by more assiduous drilling and more frequent musters. Men everywhere, however, were looking about them for implements of destruction, furbishing old arms and purchasing new, seeing that their powder horns and bullet pouches were filled, and anxiously searching everywhere for the source of a new supply of powder and lead when the old should be exhausted. Not food and raiment, but powder and lead, were the principal concern of men in these "parlous times"—where they could be found, how obtained. That was the duty of the present, and they set about it right manfully, leaving other responsibilities to be met as occasion required. And there was no excitement in it all. Awed they may have been by the progress of great events, but they were prepared to meet them with steadfast boldness and firmness. If I were called upon to select the period which best showed the characteristics of our North Carolina ancestors, I should select the year 1775, the year of the preparation. There was no civil government, there were no Courts, yet among a populace in some sections so free and independent that they were almost in a state of nature, there was no anarchy and little lawlessness. The local committees of safety, confessedly exercising a usurped, but very necessary, authority, did so with firmness that was bold, yet with a



moderation that was wise. They dealt strictly with open foes, but conciliatingly with those who were neutral. The former must recant or leave, while the latter were unmolested. A man, as a general rule, might be opposed to all this, might be clear headed enough to see that it was simple rebellion and treason, and prefer to remain loyal both to Parliament and King, and he could do so with impunity, so long as he was not blatant or aggressive. Opinions of that sort, however, had best not be published, yet there was always room at the altar of these safety committees for political sinners to come forward, confess their sins and receive absolution. The power they exercised was practically absolute. It could not be efficient without being so, but it was rarely exercised oppressively. The public safety, with foes at home and abroad, was of course the supreme law, and all who threatened it must be dealt with, firmly and expeditiously. There could be no half measures here. Safety could be found only in overawing internal foes while they prepared to meet external ones. If this application of the law of self-defence resulted in hardship to individuals, it was because they were willing to put themselves in opposition to it, and must take the consequences.

The Whig leaders were not only wise and moderate in their council, and bold and resolute in their actions, but they were also conservative, conservative beyond understanding, almost ridiculously so. They insisted, even after the battle of Lexington, and when the British government was hurrying troops to America to coerce them, that they might take up arms against that government while they remained loyal to the person and dynasty of the King, a position that is totally indefensible from the standpoint of the lawyer and statesman, and most of these leaders were lawyers and statesmen. It was not timidity that caused this, but a strong disinclination to break loose from old traditions. The sanctity of their oath of allegiance, the many ties that bound them to the old country, the home of their fathers, the dangers of an untried democracy, all "gave them pause" until the hope of accommodation was utterly gone. The Mecklenburg committee had, alone of all the patriots of all the colonies, on May 20, in 'a moment of defiant exal-

tation, on receipt of the news of the battle of Lexington, "absolved themselves from all allegiance to the British crown"; but this resolution was so untimely to the Whig leaders elsewhere that they not only did not endorse it, but they did what they could to suppress it. This was not the only North Carolina scheme that the Continental Congress treated with scant courtesy, as being too rasping to British nerves to be wisely encouraged at that time. Several prominent citizens of Hillsboro were interested with Richard Henderson in his Transylvania purchase—Thos. Hart, John Luttrell, Wm. Johnston, James Hogg and David Hart. This purchase from the Cherokee Indians, March 17, 1775, of 200,000 acres, lying in what is now Tennessee and Kentucky, was made contrary to the King's treaties with the Cherokees and the express instructions to his governors. These lands the company energetically proceeded to colonize. At a meeting of the proprietors at Oxford, September 25, 1775, James Hogg was appointed a delegate to represent the colony of Transylvania in the Continental Congress, and the proprietors sent with him a memorial which concluded as follows:

"Therefore, the memorialists hope and earnestly request that Transylvania may be added to the number of the United Colonies, and that James Hogg, Esq., be received as their delegate and admitted to a seat in the honorable, the Continental Congress."

Mr. Hogg reached Philadelphia, October 22, was received cordially by the individual members of the Congress, but could secure no official recognition by the Congress itself. Samuel and John Adams, probably expressing the concensus of opinion, told Mr. Hogg: "We have petitioned and addressed the King, and have entreated him to point out some mode of accommodation. There seems to be an impropriety in embarrassing our reconciliation with anything new, and the taking under our protection of a body of people who have acted in defiance of the King's proclamations, will be looked upon as a confirmation of that independent spirit with which we are daily reproached."

Again, it is certain that the policy of the Continental Congress in dealing with the relations of the United

Colonies to the British government, was the policy also of the Hillsboro Convention. Mr. Hooper, the head of the delegation to the Continental Congress, was chairman of the committee to prepare a test for the members of the Convention to sign, and probably influenced its form, if he did not write it himself. This test began: "We, the subscribers, professing our allegiance to the King, and acknowledging the constitutional executive power of government, etc."; and on Wednesday, August 23, every member of the Congress, 184 in number, including John Phifer, Thos. Polk, Waightstill Avery, William Kennon and John McKnitt Alexander, who, three months before, had signed the Mecklenburg Resolves, signed this test. Further than this, on Friday, September 8, William Hooper laid before the House an address to the inhabitants of the British Empire, undoubtedly his own composition, which contained this sentiment: "These are the heartfelt effusions of men ever ready to spend their blood and treasure when constitutionally called upon, in support of the succession of His Majesty, George III., his crown and dignity, and who fervently wish to transmit his reign to future ages as the ord" (old English, beginning) "of common happiness to his people." Every member of the Convention, including the five mentioned above, voted for the adoption of this address. This, on its face, seems to be strong evidence against the authenticity of the 20th of May Resolves. Why should these five prominent men of Mecklenburg and Rowan so solemnly repudiate in August what they had done in May? This they did, if the May resolutions were authentic and without any protest, so far as the journal shows.

It must be remembered, however, that Hooper and Hewes and Caswell were in Philadelphia when Captain Jack presented the resolutions to the President of the Congress. It would be preposterous to suppose that they, representing North Carolina, should have no knowledge of them. If they did, no doubt they concurred in the opinion that they were premature. The three of them were, too, at the Hillsboro Convention and went there no doubt with the intention of repressing any premature, untimely and unwise action. To do this the

policy of the Continental Congress must be the policy of the Provincial Convention. It would not do for North Carolina to follow the lead of a back country settlement in an unwise defiance of the whole British power, and thus isolate that colony from her sister colonies in their attempt to secure living terms through the King's mediation. No doubt these arguments convinced Mecklenburg's representatives, and they signed the test and voted for Hooper's address without compunction of conscience. No doubt, also, Hooper's address was made the stronger on this point, because he wished to obviate, as far as he could, the effect the Mecklenburg resolutions might have, if known to the British authorities, upon the negotiations to avoid war. And, finally, no doubt, these resolutions were not only suppressed by the Whig leaders in Congress but also, as far as possible, by the Whig leaders in North Carolina, as premature, untimely and unwise. They thus tenaciously held on to the shadow of a hope that an accommodation might be reached by which they might remain loyal subjects of King George. Nevertheless they regarded the approach of war, which to them even, was almost inevitable, with most remarkable calmness and equanimity. They would not provoke it, but if it came they would cheerfully sacrifice their lives and their property that their posterity might be free. Joseph Hewes was but a type of the North Carolina patriot when he wrote the following, February 11, 1776: "All accounts agree that we shall have a dreadful storm bursting on our heads through all America in the spring. We must not shrink from it. We ought not to show any symptoms of fear. The nearer it approaches and the greater the sound the more fortitude and calm, steady firmness we ought to possess. If we mean to defend our liberties, our dearest rights and privileges, against the power of Britain to the last extremity, we ought to bring ourselves to such a temper of mind as to stand unmoved at the bursting of an earthquake. Although the storm threatens I feel myself quite composed. I have furnished myself with a good musket and bayonet. When I can no longer be useful in council, I hope I shall be willing to take the field." It was under the conditions detailed above that men like this man were to meet in



Hillsboro Sunday, August 20, 1775, to establish a civil government for the province and to provide means to conciliate or overawe internal foes and to defend their homes from the threatened invasion of external foes. And right well they did their work. Says Colonel Saunders: "The more the action of this great Hillsboro congress is studied, and the events immediately preceding, the more wonderful seems the deliberate, well considered, resolute boldness of our ancestors." The members from a majority of the towns and counties not appearing on the 20th, Mr. Johnston adjourned the meeting until the next morning at 10 a. m. Then all the counties (35) and all the towns (9) were represented by 184 delegates. Probably never since in the history of North Carolina has a public body included in its membership so nearly all the prominent men of the State. Every man that attained any decided prominence in military or civil life within the next few years was present except Abner Nash, of New Bern, who, though an elected delegate, was probably detained at home by illness. The work of this Congress, except as it affected the fortunes of the residents of Hillsboro and its vicinity, is of course not within the scope of this history. It seems to have all been well considered, if not prepared, before hand, for a great amount was done in the twenty days of the Congress. They provided a temporary civil government for the province; they organized the military, continental line, minute men and militia and directed a large issue of paper money. The civil government was more efficient for the times than one based on a written constitution would have been, and the military system was so organized as to bring out the whole fighting strength of the province. There seems to have been no serious opposition to any proposed measure except that of the organization of the military. The "fierce democracy" which the next year made its power disastrously felt was here quiescent, as though unconscious of its strength or unwillingness to exert it. The Congress, after working through September 10th (Sunday), adjourned that evening. Johnston, Hooper, Hewes, Caswell, Maclaine, Thomas Jones and Thomas Burke, were apparently its dominant spirits, and it may have been that all of these except Caswell, carried matters with so high a hand that

the sharp political contest the next year among the Whigs themselves was the result.

Of them all, Samuel Johnston was intellectually and morally the greatest. He was a gentleman in fortune and by descent, and, being born at Dundee, Scotland, December 15, 1733, was, at this time, in the very prime of life, with all of his faculties matured and enriched by observation and study. His frame was large and powerful, his face, though built on rugged Scotch lines, was handsome and strong, and his mind singularly clear, vigorous and self-poised. His carriage was dignified and his manner, though cold, courtly and impressive. His private character was beyond all reproach. He had none of the vices of the period, great or small. Among men, many of whom were almost incredibly convivial, he was abstemious. Among men, many of whom gamed or spent their substance in other riotous living, he was a prudent, accurate, honest business man. Even Governor Martin, to whose mind to be a Whig was necessarily to be a rascal, could refer to him only in terms of respect, and his neighbors and friends, many of whom were the leading men of the province, were always deferential to him. The weakness of his character (if it could be called a weakness, a virtue, the sternness of conscious rectitude, carried to an extreme), was that he could not understand how smaller men than he, less honest-minded men than he could conscientiously disagree with him upon a public question, when to his clear and vigorous and honest and instructed understanding, there could be no room for disagreement. He could not see how an intelligent man, in so plain a matter, could be wrong-headed without being wrong-hearted. Again, he could not appreciate the frequently (more often than not), unconscious character of the bias that self-interest or some minor influence, gives the views of these men, so he writes of this very Congress: "We have not among us a sufficient quantity of virtue and public spirit. Too many are actuated by little, mean, dirty and selfish motives." Yet it is very probable that these men were as patriotic as himself and more active and energetic in the public service, and no doubt to them he appeared "lofty, unbending and impracticable." This lack of adaptability to the weaknesses, and of charity to the foibles or

faults of others led not only to his exclusion from the council of safety, May 11, 1776, and the substitution of Wiley Jones in his place, but also to his defeat in his own county, Chowan, for election as a delegate to the Halifax Congress, which met November 12th of that year. And after that defeat and other indignities, he became, as all such men do, the king of a coterie instead of a leader of the people. That such men are not properly valued is one of the evils of a democracy; but time brings its revenges. From his retirement in a few years he sees these smaller men who have retired him, adopting his views and using his arguments, and he soon assumes his proper place as Governor of the State and Senator in the Federal Congress, commanding finally the respect and admiration of the people, if he does not secure their love.

Of the others, Thomas Jones was a resident of Chowan County, a man of family, at this time having young children. He was a very able lawyer, according to all accounts, was with the aid of the Pennsylvania, Connecticut and South Carolina Constitutions, and the discussions in committee, by Cornelius Harnett, Wiley Jones, Richard Caswell, Abner Nash and others, and Samuel Johnston and Thomas Burke outside, the principal constructor of the Constitution of 1776. Dr. McRee, in his life of Iredell, says that he was a man of genius and learning, and was born in England. The curious fact of his life is that after the adoption of the Constitution, so far as the public records show, he appears no more in public life.

Joseph Hewes was also a resident of Chowan, a merchant of Edenton. He was born in New Jersey in 1730 and died at Philadelphia, a member of the Continental Congress, November 10, 1779, and was buried in Christ church, his funeral being a public one attended by Congress as a body. He was one of the three signors of the Declaration from this State. Miss Tarbell, in the July McClure, of the current year 1901, gives a curious anecdote of Hewes on the authority of John Adams in a letter to a friend in 1813, thirty-seven years after the event. "For many days the majority" (*i. e.*, for independence), depended on Mr. Hewes, of North Carolina. While a member one day was speaking and reading documents



from all the colonies to prove that the general sense of all was in favor of the measure, when he came to North Carolina and produced letters and public proceedings which demonstrated that the majority of that colony were in favor of it, Mr. Hewes, who had hitherto constantly voted against it, started suddenly upright and, lifting up both his hands to heaven, as if he had been in a trance, cried out: "It is done! I will abide by it." The record shows that scarcely by any possibility can this anecdote be true. Hewes remained in Philadelphia during the winter of 1775-1776 and the spring and summer of 1776. Both Hooper and Penn came home and attended the Halifax Congress, which convened April 4, 1776. The resolutions empowering the delegates in the Continental Congress to vote for independence were adopted unanimously April 12th. They were forwarded almost immediately to Hewes by Samuel Johnston, President of the Congress, and the receipt of them was acknowledged by Hewes May 16th. He writes to Iredell on May 17th that he had news of the Congress up to April 22d. There was no general discussion of independence in the Continental Congress until the introduction of Richard Henry Lee's resolution on June 7th, and the discussion ended by the adoption of the resolution on June 11th. At the second discussion, when the Declaration itself was up, John Penn as well as Hewes was present, and both Hewes and Penn had on June 28th predicted its adoption by a large majority. It is perfectly manifest, then, that at no period of the discussion could Hewes have been unaware of the state of public sentiment in North Carolina, and that though at first he may have hesitated upon the advisability of a plain declaration, he was by June 7th heartily in favor of it.

Mr. Hewes' person was prepossessing and his countenance pleasing. Judge Iredell, in a letter to his father, July 20, 1772, says of him: "There is a gentleman in this town who is a very particular favorite of mine, as indeed he is of everybody, for he is one of the best and most agreeable men in the world. His name is Hewes. He is a merchant here and our member for the town, the patron and greatest honor of it. About six or seven years ago he was within a very few days of being married



to one of Mr. Johnston's (Samuel's) sisters, who died rather suddenly, and this unhappy circumstance for a long time embittered every satisfaction in life to him. He has continued since unmarried, which I believe he will always do." As a matter of fact, he did continue faithful to his dead love and himself died unmarried and left a large fortune.

Of Hooper and Burke I have already written, and shall have much to say of them hereafter. The history of Caswell is too well known to require any special notice. He was one of the greatest of the great men of the period. He was wise in counsel and bold and prompt in action, a leader of the people, without the use of the little arts of the demagogue, while he retained the confidence in a great degree of the conservative element. Alexander Martin is the only man who seems to have temporarily undermined him in the affections of the people.

Archibald Maclaine was a true son of the Highlands, bold, passionate, self-willed. Any opposition stirred his wrath and he answered with invective and sarcasm. Dr. McRee says: "The slightest spark sufficed to kindle into flame his combustible nature. The explosions of his wrath were sudden and terrific; and his fiery denunciations and heated satire seethed and scorched as burning lava." But he was placable and warm-hearted. He was continuously in Provincial Congress or State Assembly from 1774 to 1786, both inclusive, and was a very active and energetic member of the Wilmington committee of safety. He commenced life as an apprentice, for three years, to a merchant in Dublin. He then came to Wilmington, and with his brother set up a store there. Failing in this, he studied law, and afterwards became one of the three or four best lawyers in the State. He is said to have had a powerful and rather rugged frame, capable of great labor and endurance, and though somewhat awkward and ungainly in his gesticulation, as a debater, was exceedingly formidable. Beyond all doubt he had remarkable literary taste for the period and locality. It amounted almost to genius and his letters to-day are green oases in the otherwise dry and dull desert of the State Records, yet they show the characteristic self will, if not petulance, of the man.

It can be readily imagined, then, that with such men holding the reins the Hillsboro Congress of 1775, efficient though its work was, ran roughshod over the prejudices and passions of many of its members, resulting in the sharp political contest of next year, between the so-called aristocracy and democracy of the province.

Hillsboro at the time of this Congress contained in its limits about seventy or eighty houses and three or four hundred inhabitants, while there were many farm houses or settlements in its immediate vicinity. Thomas Burke, himself resided two miles northeast of the town, James Hogg just east of it, on what is now the Cameron property, and Mr. Ralph MacNair still farther east, on property formerly belonging to the Fewes. The wealthier citizens had negro slaves and attendants; food supplies, including game, was abundant, and hospitality was the law of the period. Hillsboro, too, had then "a most elegant tavern," to use Judge Iredell's description of it in 1778. Yet, notwithstanding all this, it must have taxed the little town very heavily to have suitably entertained nearly, if not quite, two hundred visitors. Mr. Johnston writes on August 22d: "The delegates are all in good health, and we are tolerably well provided with accommodations from the hospitality and obliging disposition of the inhabitants of this town."

The place of meeting was the church ("remarkably handsome church," quoting Judge Iredell again), which stood on the corner of Tryon and Churton streets. After the organization of the Congress on the 21st, a rather sardonic resolution was immediately passed, "that Colonel Francis Nash wait on Rev. George Micklejohn and request him to attend and perform divine services," which he did, and opened Congress by prayers in this church. It is nowhere recorded how the high Church Tory parson stood the ordeal, but it may be certain that if he had the courage of his convictions and any humor in his composition, he incorporated in his prayers the petition, "From all sedition, privy conspiracy and rebellion, good Lord deliver us." At any rate, he was called upon to pray no more. Instead Rev. Henry Patillo, a Presbyterian and a delegate, was appointed to open each day's session with prayer and Rev. Charles Edward Taylor to close it in the evening.

Francis Nash, who had been a resident of the town since late in 1762, or early in 1763, was appointed Lieutenant-Colonel of the First Regiment of the Continental Line September 1, 1775. He resided then west of the church, on the site of what is now the Graham property; and was soon to leave his young wife, a daughter of Maurice Moore, and infant, to commence his brief military career. Orange was, besides, to raise three companies of minute men, and of these James Thackston was appointed Colonel for the Hillsboro district. John Hogan, a son-in-law of Thomas Lloyd, was Colonel; John Butler, a brother of William, the Regulator, against whom he fought at Alamance and Guilford Court House, so it is said, Lieutenant-Colonel; William Moore (from Caswell), first Major, and Nathaniel Rochester, resident of Hillsboro, second Major, of the county militia. Thomas Person, of Granville, and John Kinchen, a successful lawyer of Hillsboro, were the members of the provincial council for the Hillsboro district. The committee of safety of the Hillsboro district was composed of William Taylor, Joseph Taylor and Samuel Smith, of Granville; John Atkinson, John Butler, and William Johnston, of Orange; John Hinton, Joel Lane and Michael Rogers, of Wake, and Ambrose Ramsey, Mial Scurlock and John Thompson, of Chat-ham, and John Lark, at large.

## CHAPTER V.—1776-1777.

The friends of liberty in and about Hillsboro were particularly active during the year 1776. This town, always obnoxious to the Regulators, was the place in all the county where patriotic feeling was strongest, according to General Person's own testimony, while even he, with all his Regulator sympathies, could not seduce those factionists from their Tory predilections. The truth is, that personal feeling entered as largely into their determination to remain neutral in a doubtful fight, or, if they took sides, to array themselves with the loyalists, as it had done in their lawless acts in 1770. The leaders of the Whigs now had been, with only a few exceptions, their old time enemies. Governor Martin had befriended and sympathized with them from the beginning of his administration, and had visited their settlements in 1772, and had, in 1775, sent agents among them, who had no doubt used the personal element in the situation to the best effect. Some, too, with noble conscientiousness, remembered the stringent oaths they had taken, and in a doubtful matter preferred to give those oaths the benefit of the doubt. All honor to these old Regulators who swore to their own hurt and changed not.

On the whole, however, the situation during the year 1776 was a distinct improvement over what it had been in 1775. Particularly was this true after the battle of Moore's Creek, February 27, 1776. That battle convinced many of the justness of the American cause, and they hastened to swear allegiance to the new order of things. At that battle, and on the Tory side, we find such familiar names as Fields, Pyles, Hunter, Deviney, York, etc. All these were active at the Hillsboro riot of 1770, and Robinson York was probably clerk of the mock court whose entries upon the docket are still preserved in the court house here. It is supposed that Rev. George Micklejohn went as chaplain of the Regulator contingent to Moore's Creek, as his name appears on the list of prisoners, and he was, on May 3d next, paroled by the Halifax Congress to that part of Perquimans County



south of the river, and allowed two weeks for removal. In July, however, of that year it was reported to the State Council of Safety that he was still in Orange County, and peremptory orders were sent to the officer commanding at Hillsboro to remove him immediately to the place of parole. He presented a petition to the second Halifax Congress of 1776, November 13th, and it was referred to a committee of which Wiley Jones was chairman and General Thomas Person was a member. On November 24th the committee reported and he appeared, repeated and subscribed the oath of allegiance to the State and was discharged from his parole. No doubt he, then or soon after, took up his residence at Goshen, in Granville County. James Hunter seems not to have been at Moore's Creek, but was among the prisoners and was paroled by the first Halifax Congress to Bute (Warren) County. A few months afterwards, September 6th, he took the oath of allegiance before the Council of Safety at Salisbury and was allowed to return home. (See Appendix E.) Michael Holt, one of the victims of the Regulators in 1770, accepted a commission from Governor Martin, but repented on his way to the Tory army, returned home and induced others to return with him. He was afterwards arrested and sent as a prisoner to Philadelphia. There, upon the recommendation of the State Council of Safety, he was allowed to take the oath of allegiance and return home, in late 1776 or early 1777. Efforts to induce the Regulators to take the oath were constantly being made during 1776 and 1777. Indeed, as late as 1778, two Magistrates for each district in the county were appointed by the County Court to tender the oath to the disaffected. This they did and returned a list of the recalcitrants to the May Term of that Court, as well as a list of those who took the oath. These lists were ordered preserved and recorded, but unfortunately they can not now be found. The records, too, of the Orange County Committee of Safety for 1775 and 1776, have been lost. We know only that John Hogan was chairman and James Hogg secretary of that committee in 1776.

In pursuance of a general plan by the British Govern-

ment to occupy as many of the colonists as possible in the resistance of an Indian invasion on their frontiers, the Cherokee Indians, after having been supplied with arms and ammunition by British agents, in the summer of 1776, descended upon the outlying white settlements of North Carolina, South Carolina and Georgia, and massacred many whites. General Griffith Rutherford was placed in command of the North Carolina militia sent against them. Of this militia the Hillsboro district was at first required to send 500 under the command of Colonel Joseph Taylor, of Granville. There was great difficulty in raising this number. So it was finally reduced to 300, all of whom marched against the Cherokees. The campaign was brief, but effective, the towns and crops of the Indians being destroyed and many of their number slain and scalped with few casualties among the whites. The following are the names of the officers of a detachment from the southern battalion of of Orange County:

Major Hugh Tinnin; Captains, William Williams, William Murray; Lieutenants, Joseph Thompson, Peter O'Neal; Ensigns, Edward Gwin, Elias Powell; Corporals, George Holt, John Williams; Drummer, Jacob Albright.

John Kinchen, James Saunders, John Butler, Nathaniel Rochester and Thos. Burke represented the county in the Congress which met at Halifax April 4, 1776, and William Johnston the town. This Congress had before it the form of a permanent constitution, but after discussion and what seemed hopeless disagreement, its consideration was postponed until the next Congress. This discussion, however, developed considerable feeling, especially upon the limitation of the suffrage and the method of electing State officials. Wiley Jones and General Thos. Person were the leaders of the radical element among the Whigs, Samuel Johnston, Thos. Jones and Thos. Burke of the conservative element. Though Wiley Jones was not himself a member of this Congress, having gone to Georgia as Superintendent of Indian Affairs, Congress elected him a member of the State Council of Safety and excluded Samuel Johnston therefrom.

It is scarcely possible that these two elements of the Whig party assumed the form of distinct political organization at this early day. It is certain, however, that a great effort was made during the summer and fall to defeat the most prominent conservative leaders at the election on October 15th and thus prevent their influencing the form of the constitution which was to be adopted at the next Congress. These efforts were successful in some instances. Mr. Johnston was not only defeated, but his defeat was celebrated, says Dr. McKee, "with riot and debauchery and the orgies were concluded by burning him in effigy." Burke was excluded in Orange. Wm. Johnston was returned for Hillsboro only after a vigorous contest followed by a petition against his return. Abner Nash in New Bern, and Thos. Jones in Chowan, were also vigorously opposed, but were successful, as were Archibald Maclaine in Brunswick, and Wm. Hooper in Wilmington. In many of the central and western counties, however, the Radical element predominated and was successful at the polls. The election in Orange County, then composing what are now Alamance, Caswell, Person, Durham and Orange Counties, was a complete farce. The court-house in Hillsboro was the only polling place in this large extent of territory, and the freeholders came in such great numbers to vote and crowded so tumultuously up to the polls, that the election was several times stayed and finally closed at sunset with only one-fourth of the votes cast. The election officers returned James Saunders, William Moore, John McCabe, John Atkinson and John Paine as duly elected delegates, and their return was petitioned against. The Congress met at Halifax November 12th, and on the 13th this petition was presented and referred to the Committee on Privileges and Elections, whose chairman was Wm. Haywood, of Edgecombe, and a majority of whose members were Radicals in their sympathies. This committee reported November 24th in favor of the sitting members, and the report was immediately adopted by the House. Four days after, however, November 28th, this action was reconsidered, and, after debate, a new election was ordered for Orange County, to

be held on December 10th by Richard Bennehan, James Martin, Archibald Murphy, John Hogan and John Kelly, or any two of them, commissioners appointed for that purpose, with power in said commissioners to adjourn it from day to day, not exceeding three days, until all the votes were cast. The influence of Dr. Burke himself, no doubt, procured this reversal of its own action by the House. The new election was duly held and Thos. Burke, Nathaniel Rochester, Alex. Mebane, John Butler and John McCabe were returned. The first four took their seats in Congress December 16th, and John McCabe, chosen in both elections, on the 17th. The bill of rights was finally adopted December 17th, and the constitution itself on the 18th. It can readily be seen, then, that Burke, a bold, ready, fluent debater, had little opportunity to discuss these great measures in open Congress.

The Bill of Rights was an adaptation of the fundamental principles of British liberty, to a new form of government in which the people were to be supreme. The constitution minimized the executive power to the lowest point possible, consistent with any efficiency at all, while it secured the absolute independence of the judiciary—radical in the first instance, conservative in the last. It created two electorates, one based on property for the Senate; the other on free manhood, with tax payment, for the House of Commons. It gave the General Assembly the sole power to elect all State officers and Judges, and practically all Justices of the Peace, for they could be commissioned by the Governor, only upon the recommendation of the members of the Assembly. To be eligible as Senator, one must possess in fee 300 acres of land; as member of the House 100 acres either in fee or for the term of his own life, both in the county represented. The only check provided on the enormous power given the General Assembly, a body of the larger land owners, was annual elections.

“After all,” says Samuel Johnston, “it appears to me there can be no check on the representatives in a Democracy, but the people themselves, and in order that the check may be more efficient, I would have annual elec-



tions." This constitution was, then, it is evident, the work of the conservative few, rather than the radical many, though Mr. Johnston does write of the Congress that adopted it: "Every one who has the least pretensions to be a gentleman is suspected and borne down *per ignobile vulgus*—a set of men without reading, experience or principle to govern them."

Of course, it is impossible to specify with particularity what part the many great men who considered the subject, had in the formation of this constitution. What follows is merely an inference from contemporary correspondence. The ideas of the Radicals were in almost all instances vague and crude, not understood by themselves, and not capable of explanation. That they wanted universal suffrage, that they wished to minimize the power of the executive, to make the judiciary dependent upon the people to a greater or less extent, and the Justices of the Peace, who composed the County Courts elected by the people, may be taken as absolutely true. But having nebulous ideas themselves upon these subjects, they could never agree among themselves upon a plan or the skeleton of a plan to effectuate their purposes. The conservatives on the other hand, lead by Thos. Jones, who was a conservative of conservatives, not only had clear and distinct ideas of the general principles which they wished to incorporate in the constitution, but also of the machinery by which they could be incorporated, and this gave them a great advantage over their opponents. They may have disagreed among themselves upon minor points. It is supposed that both Johnston and Jones at first were in favor of placing the appointment of all judicial officers in the hands of the Governor by and with the consent of an executive council. Burke was opposed to this, but wished them elected by the General Assembly, securing their independence by making their tenure during good behavior. Jones, unlike Johnston, who sulked or lost his temper at the slightest opposition, was a shrewd manager of men and saw an opportunity here to conciliate opposition not only among his political friends, but also among his political opponents, so yielded this point and induced Mr.

Johnston to yield also, and afterwards used it for what it was worth in securing the adoption of provisions of greater importance. He also did all the mechanical labor in the preparation of the copy of the constitution, which he submitted to Congress on December 6th, and, no doubt, it was largely due to his management that it passed the ordeal of debate and amendment with the limitation of the suffrage and eligibility to office and the independence of the judiciary, substantially unimpaired. The completed work was more nearly a practical application of the theorem, "That which constitutes the State is found rather in its culture than in the people as a mass," than a distinctly Democratic constitution, yet, no doubt, with an untrained and an almost universally illiterate population, it was better so. North Carolina may well, then, be proud of its first constitution and of those who constructed it. It is true that there was nothing original in it (for which let us be thankful, for if Goldsmith's apothegm, "Whatever is new, is always false," is correct, it is necessarily so in the science of government), but it was built wisely and well, from material already existing and not newly created for the occasion and it served its purpose, until a Democracy conscious of its power demanded its amendment.

The year 1777, the first of Governor Caswell's administration was a quiet one throughout the State and especially so in Orange County. The following Magistrates were commissioned that year: Thos. Hart, John Butler, Alex. Mebane, Sr., James Freeland, Alex. Mebane, Jr., John Hogan, Chas. Abercrombie, Robt. Abercrombie, Richard Bennehan, Nathaniel Rochester, Thos. Taylor, Richard Holleman, Eli McDaniel, Wm. McCauley, Wm. Rainey, Hugh Tinnin, Wm. Courtney, John Nichols, John Steel, John Ray, John Hawkins and Wm. Cain. The fact that with few exceptions, the above names can now be duplicated in the communities in which these Magistrates then resided, shows the immobility of the rural population of this section for the past 125 years. In May the County Court resumed its sittings, but no general court laws having then been enacted, it was occupied solely with county matters and

the probate of deeds: Nathaniel Rochester, Clerk; Alex. Mebane, Jr., Sheriff, and James Watson, Register. At the August Term of this Court, the following persons trading to Great Britain or the British Indies within the past ten years were cited to appear and take the oath of allegiance and abjuration under the Act of May 9, 1777: James Hogg, John Macnair, David Robinson, Nathaniel Rochester, Peter Smith, James Monroe, Henry Maxwell, John Hogan, James Reed, George Meek, Gilbert Eccles, Henry Cooper, Wm. Rose and John McClellan. Of these only Nathaniel Rochester and John Hogan appeared. Mr. Hogg was afterwards, at May Term, 1778, cited a second time with James Monroe, Wm. Johnston and Samuel Strudwick. It is probable that all of these, except Monroe, who was a hopeless Tory, took the oath then, for all were on the jury of the Superior Court at its next term. Mr. Johnston's taking the oath was, no doubt, merely formal, as he was then and had been from the first a prominent patriot, and it was perhaps so with Mr. Hogg, who was, as has been stated, secretary of the County Safety Committee in 1776. It was otherwise with Mr. Strudwick, who had been one of the most prominent members of Governor Martin's administration, and, so far as known, for the first time at this Court, gave in his adherence to the State. Quite a number declined to take the oath, and were given sixty days to depart the country.

The following advertisement in the *North Carolina Gazette* of November 17, 1777, calls attention in very persuasive terms to a new and very useful industry, recently established at Hillsboro:

"The proprietors of a paper mill, just erected near Hillsboro, in Orange County, give notice to the public that their mill is now ready to work, and if a sufficient quantity of rags can be had, they will be able to supply the State with all sorts of paper. They therefore request the favor of the public, and more particularly the mistresses of families, and the ladies in general, whose more peculiar province it is to save all their rags and scraps of linen of all sorts. Old thread stockings, thrums from their linen looms, and every kind of linen

is useful. As this undertaking is novel, saving of rags may be thought too trifling and below the notice of the good matrons of the State, but when they consider that they are aiding and assisting in a necessary manufacture, and when the young ladies are assured that by sending to the paper mill an old handkerchief, no longer fit to cover their snowy breasts, there is a possibility of its returning to them again in the more pleasing form of a billetdoux from their lovers, the proprietors flatter themselves with great success. Persons in the several towns and counties of the State will be appointed to receive rags, for which a good price will be given."

John Holgan was the proprietor of this mill, and it was situated one and a half mile northeast of town.

On October 7th of this year General Francis Nash died of a wound received three days before at the battle of Germantown. His was perhaps the most attractive character of colonial and revolutionary Hillsboro. Born in Prince Edward County, Virginia, about 1742, he came to Hillsboro on attaining his majority and soon took an active and leading part in the social, industrial and political life of the place. He was an attorney, Clerk of the County Court (and of the Superior Court for a short while), Judge of a Court of Oyer and Terminer in 1774, partner in a mercantile establishment, and part owner and afterwards sole owner of a mill on the Eno, and several times representative in Colonial Assembly or Provincial Congress. He was from the first active in military affairs, made some reputation at the battle of Alamance, and was Captain, Adjutant and Colonel in the county militia. All this, when real war threatened, gave him a prominent place in the eyes of the public, and he was appointed Lieutenant-Colonel September 1, 1775. Colonel April 10, 1776, and Brigadier-General February 5, 1777. He was a high-spirited and brave man, and warm-hearted and generous to all about him. These traits of character, together with his thoughtfulness and considerateness for his men, made him, as General, very much loved by them as an old letter which the writer has in his possession. written years after his death, shows. He was a man of considerable culture for the period.



handsome in person, easy and graceful and gentle in his manners, active, energetic and thorough in all that he undertook. He was, too, a great horseman and prided himself upon his fine stud. There are still traditions of the noble stallion which he took with him North and which was brought back by his colored body servant after his death. His military career was too brief for him to have gained the fame that might have been his had his life been spared. Short as it was, however, he attracted the attention and gained the respect of General Washington and his subordinates. In his dispatches Washington speaks of him as a valuable officer, sent his own physician, Dr. Craik, to attend him after his wound, and paraded the whole army at his funeral. Mr. Burke, then a member of Congress, and himself no mean authority on such subjects, writes of him that he was one of the best, most respected and regretted officers in the Continental army.

At the battle of Germantown his brigade with Maxwell's constituted the reserve, and it was while leading it to the support of Sullivan on the right wing that a cannon ball striking a sign-post in the street or road that ran through the long straggling village glanced, killed his horse and mortally wounded himself. "Retaining his presence of mind, he called to his men, 'Never mind me, I have had a devil of a tumble; rush on, my boys, rush on the enemy, I'll be after you presently.'" He was borne fainting from the field, and after lingering in great agony for three days died and was buried in the Mennonite church-yard at Kulpsville.

The writer has seen a copy of a letter written to his young wife (nee Moore) on the eve of this battle, October 1st. In it he expressed perfect confidence in the final success of the patriot army under the leadership of General Washington, for whom he had great admiration and respect. He, though, ardently wished that that consummation might soon come and he be allowed to return home and pass the remainder of his days undisturbed, with his wife and children, two (not one, as generally stated) of whom, infants, survived him.

The following anecdotes of him, originally published

in the University Magazine, are now incorporated in the eleventh State Records. They are given, as far as practicable, in the words of the narrator, Hugh McDonald, a private soldier of General Nash's brigade, though at the time only fourteen years of age. From the internal evidence any old soldier will vouch for their truthfulness.

"On our march (to the South from Halifax) we lay on the south side of Contentnea Creek, where there were living an old man and woman who had a number of geese about the house. The next morning about twenty of their geese were missing. They came to the camp inquiring about them, but getting no information among the tents, they went to the General, who said he could do nothing unless they produced the guilty. On his giving them ten dollars, however, they went away satisfied. I am sure I got some of them to eat. Being a sleepy-headed boy, I always went to sleep as soon as the fires were made, and having done so now, about midnight a Mr. John Turner, a messmate of mine, tried to awaken me, which he found difficult to do, but being a strong man, he lifted me up and began sticking pins in me, until I was fully awake, when he said: 'Damn you, go to the kettle and see what you'll find there.' I went and found fowl, fresh and fat. I did not understand it that night, but did when the old folks came next morning inquiring about their geese. The General, after paying them, gave the men strict orders to be honest or he would punish the least offense of that kind with severity."

The following occurred on their march North to join General Washington:

"We then marched on and crossed the James River at Richmond, where there were fishers, and having gotten leave there also, to draw the seine, every man took as many fish as he wanted. While passing through the town a shoemaker stood in his door and cried, 'Hurrah for King George,' of which no one took any notice; but after halting in a wood a little distance beyond, where we cooked and ate our fish, the shoemaker came to us and began again to hurrah for King George. When the General and his aids mounted and started, he still followed them, hurrahing for King George, upon which the Gen-

eral ordered him to be taken back to the river and ducked. We brought a long rope, tied it about his middle and seesawed him backwards and forwards until we had him nearly drowned, but every time he got his head above water he would cry for King George. The General having then ordered him to be tarred and feathered, a feather bed was taken from his own house, where were his wife and four likely daughters crying and beseeching their father to hold his tongue, but still he would not. We tore the bed open and knocked the top out of a tar barrel into which we plunged him headlong. He was then drawn out by the heels and rolled in the feathers until he was a sight, but still he would hurrah for King George. The General then ordered him drummed out of the west end of the town and told him expressly that if he plagued him any more in that way he would have him shot. So we saw no more of the shoemaker." One shoemaker who stuck to the last.

## CHAPTER VI—1778-1779.

The surges of actual war disturbed the repose of Hillsboro little during the years 1778 and 1779. There were increased energy and profit in its business enterprises, a coming and going and drilling of soldiery, militia and continental, a constant and anxious looking for news from Washington at the North or from Howe or Lincoln at the South, the bustle and stir of continuous preparation of munitions of war or food supplies for the army, but neither hostile Tory nor foreign invader came near its borders.

In one particular, Hillsboro has been unique. At every period of its history, from 1766 to the present time, one or more of its residents has taken not only an active and influential, but leading part, in some sphere of public usefulness. From this class it lost Francis Nash in October, 1777, but it had Thos. Burke six years longer. Burke, gay and rollicking, in private life, fond of wine, women and song, with all of an Irishman's pugnacity, generosity and humor, in public life, was recognized, in and out of the State, as a brilliant lawyer and great statesman. North Carolina, perhaps never had a greater influence in national affairs than it had while he was a delegate in Congress, 1777-1781. He, with John Penn, of Granville, who defeated Joseph Hewes, and Cornelius Harnett, chosen in the place of William Hooper, who declined a re-election, were elected delegates on April 28, 1777. Such was his physical energy and intellectual and moral force that he soon took a prominent and influential part in the debates and business of Congress. He was perhaps too impatient at the inefficiency of Congress, its dilatoriness, its long and tedious debates when prompt action was needed, and at the factions and cabals, which would sometimes make their appearance in it, but, no doubt, his candor and honesty and directness of purpose, coupled with his unusual power as a debater, did much to correct these evils. Notwithstanding all this, his mistake in recommending Hand, of Pennsylvania, as an additional Brigadier for North Carolina in the sum-



mer of 1777, would have blasted his political prospects in the latter State, had it not been for the incident I am about to relate. As it was, it called forth an indignant protest from the North Carolina officers of the Continental line and prevented his re-election in April, 1778.

In the early spring of 1778, General Washington wrote a letter to Congress in relation to the exchange of prisoners. A committee was appointed to prepare a reply, and when it reported there were parts of the report that appeared to reflect upon General Washington. There was a long and acrimonious debate upon a motion to strike out these parts, in which Burke was one of the boldest and most outspoken opponents to the whole reply. No doubt these reflections come from those who later in the same year composed the Gates cabal and attempted to supersede Washington by their new idol, the hero of Saratoga. The opposition to the reply was strong enough to have the objectionable parts stricken out. It was nearly 10 o'clock p. m. when the vote was about to be taken upon the reply as amended. It requiring the assent of nine States to the adoption of any measure, Burke absented himself before the vote was taken and thus broke the quorum. He was sent for and returned a rough and disrespectful, perhaps profane, answer. He afterwards explained this by saying that he thought the message came from a private member, Mr. Duer, of New York, and not from the President. Congress could only adjourn in his absence, and was in a quandary when it came on the next day, and for nearly fourteen days longer to discuss what it could and would do with its recalcitrant member, Mr. Burke. Could it commit or expel him with a quorum? Could it commit or expel him in the absence of a quorum, as the real condition was? Did it have any power at all over these ambassadors from those independent entities, the States? Questions like these were discussed long and acrimoniously for nearly fifteen days. Burke was very firm and bold in his reply. "An unreasonable exercise of any power is tyranny and to keep a member at such unreasonable hours, and under such circumstances is, in my opinion, tyrannical, and I will not submit to it but by

force upon my person. I consider every freeman as having a right to judge for himself when the exercise of any power is unreasonable, and if I err in my judgment the power of punishment lies with the State which I represent." Then he declared that he would sit patiently until every gentleman in the House who chose to speak should have exhausted the whole of his eloquence, and concluded: "I would only request then, that, if they choose to use abusive language, they would reserve it for some other place." Congress, without Burke's vote, was absolutely impotent, so did nothing except to enter the proceedings on the journal and refer the whole matter to the North Carolina Assembly. Burke himself says, very naively, that his course gave great offense to Congress. He did, however, gracefully apologize for any excessive heat in his words or manner. "If the language and manner in which I delivered my sentiments was not sufficiently respectful in the opinion of the House, I beg they will attribute it to inadvertence or imperfection of temper, not design. I beg they will believe that no man is more unwilling to give offense, no man more sincerely laments it, when it happens through the warmth or earnestness of natural disposition."

At the General Assembly which met in Hillsboro in August, 1778, the whole matter was referred to a joint committee of which Wm. Hooper was chairman. The committee, on August 14th, reported, exonerating him from all blame and sustaining him in the position that he was accountable only to the State. This report was adopted. Before this, on the 12th, however, his course was endorsed by his practically unanimous election, with Whitmel Hill as an additional delegate to Congress.

It was during this year, 1778, that he appeared as counsel for the Transylvania Company, before the Virginia Assembly. It was an attempt to induce that body to ratify the grants made by Indians to the company of land, lying in what is now Kentucky. The Assembly, after hearing an argument from Mr. Burke, declared the grants void. This argument, though unsuccessful, ex-

torted from his clients in the midst of defeat, the following tribute of praise: "It is universally given up on all hands, that Mr. Burke did justice to the cause and for my own part, I think that we could not have been better served on or off the continent." He had made a reputation in Virginia even before he came to North Carolina. Mr. John Tazewell, of Virginia, writing to him of the election of Thomas Jefferson as Governor of that State, says: "I should not have troubled you with so minute an account of those matters had not your former residence among us made me almost consider you as a Virginian. Indeed I am still unwilling to give up our claim to so valuable a citizen."

After August, 1778, there were first five and afterwards six delegates from this State to Congress. Three were required to be in attendance, though two could cast the vote of the State. Who the three should be was left to the delegates themselves. It is amusing to notice the anxiety of those in attendance at Philadelphia, to be relieved by those at home, out of attendance. It was a game of see-saw in which those up wanted to come down and those down wanted to stay down. The State records are burdened with letters from Congressmen in Philadelphia to Congressmen at home, begging and imploring relief. The salary was inadequate, expenses were great and health and private business were suffering. Wm. Sharpe calls Congress "a house of bondage," and Cornelius Harnett writes Burke: "For God's sake come on to relieve me in November, but at the furthest, the very beginning of December, and make that domestic creature, Whitmel Hill, come with you. In fact I cannot live here. The price of everything has advanced 150 per cent since we parted. I shall return indebted to my country at least £6,000, and you very well know how we lived. Do not mention this complaint to any person. I am content to sit down with this loss and much more if my country requires it. I acknowledge it is cruel in me to wish you to return. You have already suffered more in your private concerns than any one who has been in the delegation for some time past. But you have this consolation, should you fail of receiving

your reward in this world you will, no doubt, be singing hallelujahs in the next, to all eternity, though I acknowledge that your voice is not very well calculated for that business. Send somebody or other to relieve me and let me, for God's sake, take my leave of this laborious, disagreeable and perhaps unthankful office, forever." The pathos and patriotism, if not sardonic humor, of this letter had their effect, for Burke and Whitmel Hill both appeared in Congress about December 1st.

In April, 1776, Ambrose Ramsay, of Chatham, and Nathaniel Rochester, Wm. Johnston and Thos. Burke, of Hillsboro, were appointed commissioners to establish a gun factory in the district of Hillsboro and were granted £1,000 for that purpose. The sum proved wholly inadequate, and they used it in employing different smiths to make the various parts of guns at their own shops. The principal difficulty they encountered was the securing a machine to bore the barrels, and a competent man to operate it. They finally surmounted this difficulty and erected a shop on a creek on Mr. Burke's land, about two miles northeast of Hillsboro. The year 1778, however, proved a very dry one and they could not get waterpower sufficient to operate their machine, so the whole scheme fell through. The State supplied itself with muskets from another source, and the machinery and material collected were disposed of. John Holgan, the paper manufacturer, whose advertisement I gave in the preceding chapter, met with the same difficulty during the same year and he was given further time to earn the premium offered by the State for paper making, at the General Assembly which met at Hillsboro in August, 1778.

The General Assembly which met at New Bern in April, 1778, authorized the erection of a new court house for the Hillsboro district at Hillsboro, and appointed Nathaniel Rochester and William Courtney commissioners for that purpose. These gentlemen proposed at first to build it of brick, as appears by an advertisement in *The North Carolina Gazette* of June 26, 1778. From the scarcity, or cost of the material, or for some other reason, they afterwards determined otherwise, and built it of the ordinary lumber of the



country. It was a very substantial, weatherboarded, one-storied structure, set somewhat high from the ground, and entered at the front from broad and high steps. The front door was a wide one and opened immediately into the court room, the bar and judge's bench being in the opposite end of the building. It was located in the same square, but was much nearer the street than the court house now is, and was about 40 feet long by 25 wide. It was late in 1789 or early 1790 destroyed by fire.

For the first time in five years a term of the Superior Court was held in the old court house at Hillsboro, on March 24, 1778, Samuel Ashe and James Iredell presiding, and Waightsill Avery prosecuting as Attorney-General, John Henderson, of Granville, foreman of the grand jury, and Joseph Taylor clerk. The name of Burke was marked as counsel in the principal cases, but he, himself, was absent as delegate in Congress. Richard Henderson, William Hooper and John Kinchen were the attorneys present most employed.

I regret that I have been able to discover little that is not known of John Kinchen. That he was an attorney with a large and lucrative practice is shown by the records, as also that he was an active, energetic, influential, patriot; but of his family history, and when and where he lived and died, little is known. I think it probable that he lived some miles east of the town, and not in it, as there is no deed that indicates ownership of a town residence, though there are several that show that he owned land in the Little River section. His court practice was large, but his office practice was greater. He was known as a wise counsellor, good business man, and excellent lawyer, among men of affairs, throughout the whole section. He was the adviser, during his life of Wm. Johnston, one of the most cautious and successful business men in the State, and one of the trustees of his will at his death. That will was long and complicated and the trusts therein of long continuance and in many respects discretionary. He was probably very modest and self-distrustful in public affairs. Governor Caswell, in 1777, appointed him, with John Penn, to hold a Court of Oyer and Terminer

for the Hillsboro district that year. At the time set Penn did not attend, and Kinchen, though much Penn's superior as a lawyer, declined to hold it alone, and wrote the Governor in modest self-depreciation that he had neither ability nor experience sufficient to justify him in taking the responsibility upon himself in Penn's absence. He did not have the great energy, the fiery eloquence, the combatativeness, the "dynamic force" of Burke, so as a Revolutionary leader he was completely overshadowed by him. It is probable, too, he had none or little of Burke's *bon hommie* of his capacity for making strong friends, while his combatativeness made bitter enemies, of his gift for tickling the ears of groundlings, of his fondness for the loud applause and *aves* vehement of the people, so we find him when the fires of revolution were burning fiercest, retiring into comparative obscurity, Senator from Orange for a short term in 1778, a defeated candidate for Congress in 1779, and a trustee of Science Hall in Hillsboro in 1779, one of those institutions of learning in posse with big names and little purses, that about that time the General Assembly tried to establish at various points in the State; and that is all. On the whole he seems to have done his work faithfully, but unassumingly and quietly, so no doubt was one of those characters to whom the world owes so much but never or rarely acknowledges its debt. A brother of his, William Kinchen, was captured with Burke at Hillsboro in 1781, was carried to Wilmington and then to Charleston and died, after his release on his way home. His widow and daughter afterwards married members of the celebrated Mebane family.

An occasional Presbyterian service had for years been held in the court house at Hillsboro by Rev. David Caldwell, John DeBow, and others, but in 1777, for the first time, regular services were held there in conjunction with Little River and New Hope by Rev. Alexander McMillan. This reverend brother was, however, deposed by Presbytery in September, 1778, for drunkenness and other acts of immorality. It was many years before there was a regularly organized Presbyterian church in the place, but Eno and New Hope were near by, and Little River and Haw Fields were distant, respectively, nine and fourteen miles.

The first commissioners of the town after the State government was organized were William Johnston, Jas. Hogg, John Sheels (whose family name exists now at Shields), William Courtney and James Watson. Most of these names are familiar to the readers of this series of articles. William Courtney was a Quaker, or of Quaker extraction, and comparatively a recent comer to the town of Hillsboro. At this period, 1777, 1778 and 1779, he kept a tavern in the place, but was a man of parts and decided usefulness, represented the town in the House of Commons 1777 and 1778, and there took a leading and active part in the work of that body. He was, too, a magistrate and a member of the County Court. I believe nearly all of his descendants emigrated in the early years of the nineteenth century to Tennessee and Kentucky. James Watson was one of the original settlers of the place, and succeeded Fanning as Register, and was reappointed Register after the organization of the State government, but died the following year.

In the General Assembly of 1777, Thomas Hart represented the county in the Senate, Nathaniel Rochester and John Butler in the House. In May, 1777, however, Rochester accepted the position of County Court Clerk, which vacated his seat in the House, and at a special election, November 24th, Thomas Burke was returned for his unexpired term. William Courtney represented the town.

At the first New Bern session of the General Assembly of 1778, Orange had no representative in the Senate. At the second Hillsboro session, John Kinchen appeared and qualified August 13. Gen. John Butler and William McCauley, of South Orange, represented the county in the House, and William Courtney the town. General Butler, however, having been appointed entry taker, his seat was vacated April 27. Thomas Burke was elected in his stead, and took his seat at the Hillsboro session, August 10, 1778. For 1779, John Hogan was Senator, Mark Patterson, East Orange, and William McCauley, members for the county, and Thomas Tullock for the town.

The summer session of the General Assembly of 1778,



which was held at Hillsboro, was very short, lasting only eleven days. The Senate sat in the court house and the House of Commons in the church.

In the year 1779, the whole State was busy with preparations for sending re-enforcements of militia and the continental line to the aid of South Carolina. Hillsboro itself was one of the points at which supplies for the militia were collected, and was the rendezvous of a regiment of light horse which was to go to South Carolina under the command of General Allen Jones. The drafts from the militia of the Hillsboro district were to concentrate at Charlotte, before marching south, and Gen. John Butler was to command them. They formed part of General Lincoln's army at the attack upon the enemy's works at Stono ferry, in South Carolina, on June 20th, and are said to have behaved well for raw troops. This is one of the few instances in the whole history of the Revolutionary War in which they did do well. They, as a general rule, turned out for duty at the command of their officers. Says Whitmel Hill, in writing to Burke, April 28, 1779: "You will find a greater proportion of our militia in the field than of any other State on the continent." They marched willingly and bravely to the battlefield; they fought coolly and efficiently for a round or two, and then, when at all pressed, in an almost inconceivable panic, rushed from the battlefield, each man trusting to his own heels to bear him from danger to a place of safety. And, generally, they did not stop until they reached home. It is said that General Butler himself approved these tactics, and thought that militia-man who could do most execution in one or two rounds and then could carry his own carcass home safely and expeditiously, the most valuable of the irregular soldiery. He was not only perfectly willing to condone this weakness of his followers, but encouraged them in it by taking a leading part in the race himself. There is a jingle which even now may be heard along the banks of Haw River:

There was a man whose name was Gray  
From Guilford battle ran away  
And though by the way he made some loss  
He beat Gen. Butler's old black horse.



I must not be understood to be affixing to them the stigma of cowardice. I do not believe they were cowards. Very few of their race have ever deserved to be called cowards. Their habits, the manner of their living, the kind of combats in which they had had any experience, made each one of them, as an individual, an exceedingly formidable opponent, brave, active, self-reliant, quick witted and resourceful. Let him be attacked, though, by overpowering numbers, and he thought it no dishonor to save himself for another day by flight. He could then take his enemies one by one and fight them man to man. But he knew nothing of fighting in mass, nothing of the courage and confidence that come from touch of the elbow, so when the British regulars charged, each militiaman felt that the charge was made upon him alone, and against such odds, against such an imminent threat to his life, he could do nothing except die or fly, and almost invariably he chose the latter alternative. Neither he nor his officers had the confidence that come from thorough training, and his self-reliant independence was in itself a source of weakness in a pitched battle with regulars. This, it seems to me, is the real reason why the raw recruits of the Civil War were stancher soldiers than the raw militia in the Revolution. These recruits were all from more or less thickly settled communities. They had acquired the habit of relying upon their neighbors. They were amenable to judgment and condemnation by an existing public sentiment. They had acquired the habit of acting in mass in all public matters, and not upon their own individual initiative. So, as long as their neighbors stood, they would stand—to the death, if necessary.

Gen. John Butler was a prominent man in Orange County for twenty years, and had the confidence of the people to a great degree. He seems, also, to have been deemed a valuable militia officer by the various State administrations from Caswell to Burke. He, however, had no special aptitude for military affairs, and his failure to accomplish results in two or three instances has, with some, occasioned a doubt of his personal courage, and with all a lack of faith in his military activity and

enterprise. The affair at Lindley's Mill, when Governor Burke ought to have been rescued had General Butler's staunchness been equal to his activity in raising the militia for the pursuit of McNeill and Fanning, lessened his reputation as an officer very materially. This, however, will be set forth more fully in the next and concluding chapter. General Butler's residence was at Mount Pleasant, an elevation near the east bank of Haw River, about due west of Hillsboro, and sixteen miles from it. He died childless in 1788 or 1789, devising all his property to his widow. In his civil employments, and they were many, he was a very valuable and useful citizen. He was a moderator of the fury of, and an intermediary between, the contending factions during the Regulator disturbances. He was one of the first and most outspoken patriots, and he made and kept his whole immediate section a Whig stronghold from the beginning to the end of the war. He was constantly employed in the public service, and seemed to respond to any demand upon his time or energies with the utmost cheerfulness and alacrity. He was, too, peculiarly efficient in inducing the militia of the county to embody for a special emergency. Upon the whole, then, though he was certainly not a military genius, he was one of the most useful citizens of Orange County throughout the whole course of the war.

## CHAPTER VII.—1780-1783.

There is no period of the Revolutionary history of North Carolina that is so well known, thanks to Governor Graham, Judge Schenck, Mr. Caruthers, and others, as that which covers the years 1780 and 1781. The great military events that occurred in this State during those years are outside of the scope of this history and will be alluded to only incidentally. It is to deal with Hillsboro and the surrounding country and its residents, with one or two excursions into general history to throw light upon matters that are now in obscurity.

The year 1780 was one of continuous excitement and bustle and stir to the town of Hillsboro. In the early part of the year bodies of militia were almost constantly in and about the place. In June, Baron de Kalb, on his way to Camden and his death, came with 2,000 Continental troops, and stayed long enough to exhaust the supplies of the country, and then moved on to Deep River. In July, General Gates came to take command of the southern army, and found at Hillsboro the ill-clad and ill-fed Virginia militia and the remains of Colonel Buford's command recently cut to pieces in South Carolina, and there he paused for some weeks, while supplies were being secured and his army was concentrating.

It may readily be imagined that these good people had then during that year all the trials and annoyances, petty and great, of an actual state of warfare, without any of its pomp or glorious circumstance. There, many soldiers were coming and going, or, barefoot and half starved, ill fed and ill clothed, without arms or powder or lead, awaited supplies of all, and there tyrannous commissaries, or heedless and ravenous soldiers, impressed from the country people what the government itself had not supplied, until, to use the phrase of a contemporary, "war had gorged itself upon the vitals of the whole people," and they in disgust and despair knew not where to turn for relief. In the midst of all this, Burke arrived at home from Philadelphia, where he had been so long that he wrote: "Another year's close confinement in

Congress would make me a perpetual citizen in Philadelphia, and give me a right to the soil, from which nothing short of the final judgment could oust me." With his characteristic activity, energy and boldness, he set to work, immediately, to correct the evils that he saw about him, and to defend his neighbors from the illegal and oppressive acts of a ruthless soldiery. He threatened the minor officials, and promised to see that they were held accountable for their illegal acts. He declared that he would protect his own property from such devastation even if he had to resort to arms for that purpose, and his outraged neighbors and friends repaired to him for redress of their own wrongs. The soldiers had turned their horses upon their growing corn, they had torn down their oats and hay stacks, they had carried off their cattle, they had impressed their horses and wagons, they had killed their fowls and had robbed their smoke houses. Burke wrote to the president of Congress and to General Gates, describing these outrages, and alleging that if the people are fairly dealt with, they will respond to all reasonable demands made upon them. He thus, in a large degree, put an end, at least in Orange County, to what was a great evil, if not an intolerable oppression.

Abner Nash, of New Bern, was elected Governor of the State, by a large majority, April 21 or 22, 1780, not in December, 1779, as stated by Wheeler and by Dr. McRee, probably following Wheeler. Richard Caswell was ineligible under the Constitution to a re-election, he having served three successive terms. Governor Nash seems to have entered actively and efficiently upon the duties of his office. The militia was embodied and furnished with arms. Military and food supplies were collected at various points in preparation for the coming of General Gates to assume command of the Southern department. (The dearth in Hillsboro was occasioned by the inability of the commissaries to secure wagons, though they had previously been supplied with money.) When Gates did come and marched south, he did so at the head of an army fairly well supplied with commissary stores and munitions of war, and these almost wholly from North Carolina. Then came Camden, August 16, where defeat became a rout, and the



rout a wild scamper, arms and baggage all thrown away, each man caring only for his own safety and stopping not, in the wild race, until he had reached his home. This rush of fugitives across the State was calculated to demoralize all classes of its citizens. Instead, it only made them more determined to repair damages and to meet the coming invasion with the whole power of the State. In the presence of such difficulties, loss of guns, loss of prestige, loss of confidence, loss of supplies, with a second army in the same year to be organized and fed and clothed and armed, in the very face of a victorious and invading external foe, and among an exultant and alert internal foe, the most dauntless courage and determined energy might well be appalled. It was under such circumstances that the General Assembly met at Hillsboro the latter part of August. The burden of his office, in those trying times, pressed heavily upon the shoulders of Governor Nash. His health was bad, his location in the eastern part of the State inconvenient, and his constitutional advisers, the Council, could not be gotten together. He then asked the Assembly to create a board of war, and to endow it with plenary powers to co-operate with him in the conduct of the war. His idea, evidently, was that this board should be his advisers in the exercise of the functions of his own office, and in addition, should have authority, when the Legislature was not in session, to exercise the powers expressly conferred upon it by the Constitution.

This idea was afterwards, upon his threat to resign his office unless the intolerable situation was relieved, carried into effect in the Council Extraordinary, which in conjunction with himself, conducted the affairs of the State from February 13, 1781, until June 26 of the same year. At this time, however, the Assembly went a bow shot beyond his wishes. It did create a board of war, consisting of Archibald MacLaine, Thomas Polk, John Penn, Oroondates Davis and Alex. Martin, and conferred upon it powers which were plainly in derogation of the constitutional prerogatives of the executive. MacLaine and Polk both refused to serve. The Board, Penn, Davis and Martin, held an informal meeting on September 3, and commenced its formal session at Hillsboro

September 14, 1780, and assumed entire charge of the conduct of military affairs in the State. Governor Nash, a proud and sensitive man, and of greater abilities than any member of the Board, did not tamely submit to this encroachment upon his prerogatives as Commander-in-Chief, though he interfered as little as possible with the Board's conduct of the war. He refused to fill the vacancies upon it, and at the very first session of the Assembly after its creation, January 27, 1781, he sent a message, from which the following is extracted: "When you elected me Governor of the State, you presented me the Bill of Rights and the Constitution. At the same time you presented me with the sword of State as an emblem of the power I was invested with, for the protection of the Constitution and the rights of the people, and in a solemn manner you bound me by an oath to preserve the Constitution inviolate, and yet, four months after my election the very same Assembly deprived me of almost every power, privilege and authority belonging to my office. In short, gentlemen, I hold at present but an empty title, neither serviceable to the people nor honorable to myself. It will, therefore, become an act of necessity, however disagreeable at a time like this, to resign my office, unless you restore it to a condition as respectable as it was when you did me the honor to confer it upon me."

To which the Assembly, on February 1st, replied: "The General Assembly beg leave to assure Your Excellency that in case it be found necessary to continue a Board of War in this State, the powers of that Board will be so regulated as to prevent all just cause of umbrage or complaint from Your Excellency in the future." On that day, too, in response to a peremptory message of the Governor, a committee of the two houses was appointed to wait upon him and confer with him. This committee reported immediately "that a Council Extraordinary, to consist of three persons in whom the Legislature can place the greatest confidence, to advise His Excellency, the Governor, in the exigencies of the State, be appointed, and that the Governor, with the advice of any two of them, be invested with full power to take such measures as shall be deemed necessary for

the defense and preservation of the State, in all cases whatsoever, until the end of the next session of the General Assembly." There can be no doubt that this Council Extraordinary was suggested by the Governor himself, for it carries into effect the plan which he had proposed to the Hillsboro Assembly, and which they had misunderstood, and, perhaps unintentionally, perverted into the famous Board of War. On February 10, the bill establishing this Council became a law, and on February 13, Richard Caswell, Allen Jones and Alex. Martin were elected councillors. On February 13, too, a bill was passed continuing the executive powers of government with the present Governor after April 15th next, upon certain contingencies. Nor was Governor Nash defeated by Thomas Burke (elected June 25, 1781), on account of the "disordered state of the finances," as stated in current histories. On account of the condition of his health and his own finances, which had suffered severely during his incumbency of the office, he was anxious to be relieved in order that he might recruit both. Therefore, when he was nominated for re-election, he requested that his name be withdrawn, and it was withdrawn.

However just Governor Nash's complaints of this Board of War may have been, it must be confessed that it performed the duties imposed upon it by the Legislature energetically and efficiently. It sat continuously at Hillsboro, sometimes with one member, sometimes with two, and at others with three, from September 14 until December 1, 1780, and then continuously at Halifax until January 30, 1781. At the time it commenced its sittings, Hillsboro was crowded with fugitives from the battle of Camden. General Gates, with an escort of six men, had spent only seventy-five hours on the way. Governor Rutledge, of South Carolina, also had taken refuge in Hillsboro, and among other officers there were the Polish patriot, Kosciusko, and General Morgan. When Attorney-General Iredell and Judge Williams came the last of September to hold the October Term of the Superior Court, no room could be made for them in town, and they secured lodgings at Dr. Burke's, two miles off, only by ousting Governor Rutledge, who came



to town and shared a bed with the Board of War, that then consisted of John Penn alone. There were in and about the town, too, over a thousand troops, Buford's Horse, and Continental and Maryland Line. The Maryland troops were those who were to fight so well a few months after at Guilford Court House. Colonel Gunby, of the First Maryland Regiment, was the commandant of the town during the later months of the year and January, 1781. In the early part of December, four free negroes (soldiers, not camp followers) of his regiment, Leonard Turner, Valentine Murrin, Thomas Thompson and John Adams, robbed the house of Joseph Hastings, south of town, and maltreated and abused himself and wife. They were arrested by the civil authority, but were forcibly rescued by Major McIntosh, of their regiment. The magistrates immediately and in person appealed to Colonel Gunby. That officer directed the return of the prisoners to the Sheriff, and the charges against them were heard, and they were all held for trial at the next ensuing term of the Superior Court. They were never tried. Whether they were afterwards released to rejoin their regiment, or made their escape in the demoralization consequent upon the approach of Lord Cornwallis, is not known. It is certain, however, that Hastings, who theretofore had been a Whig, was one of the few men of his neighborhood who repaired to Hillsboro in accordance with the proclamation of February 20, 1781.

During the fall and winter of 1780, wagons were coming and going along all the roads that lead to Hillsboro, hauling supplies from Virginia and from the eastern and middle counties of the State. Provisions and arms and clothing were needed everywhere, but especially by the ragged and hungry soldiery at Hillsboro. The 400 or 500 Maryland line there were barefoot, and living from day to day on limited rations. Shoes for them did finally come from Maryland. The Virginia militia was not only barefoot, but in rags and tatters and without weapons. Virginia sent food, but had no arms. The Light Horse and Continental Line, too, though not so destitute, wanted horses and clothing and ammunition. The Board of War made of the court house a depot of



supplies. They collected hides and leather wherever to be found, and made the tannery at Hillsboro work to its full capacity for the government, pressed into service everyone who could make a shoe, and put them all to work shoe-making for soldiers. Tailors, also, and needle women, under their command, made or repaired much needed clothing for the army. They wrote to everybody everywhere who had arms or ammunition, or could get arms or ammunition, to hurry them forward. The army needed salt, and must have salt. They then made the Board a nuisance to all whose dilatoriness or neglect had caused this condition. They wrote to their captains of hundreds and their captains of thousands, and instructed them how to fight if the enemy approached, how to retreat if retreat was necessary, and where to take position for a final stand, if any position was to be taken. In short, this Board's management was ubiquitous and minute. It was, too, energetic and zeal inspiring, if not in all particulars wise. It had no holidays or holy days. It worked Sunday as well as Monday, and its individual members seemed, if only the enemy could be defeated and driven out of the State, to be perfectly willing to answer for their conduct afterwards before any tribunal—the true spirit in such a crisis.

Burke, during this year, was engaged in a correspondence with General Sullivan, which no doubt would have resulted in a hostile meeting had not the exigencies of the public service kept them at points distant from each other. Burke had gone to the field of Brandywine in 1777, had witnessed the whole battle, and was convinced that Washington was defeated on account of the ignorance and inefficiency of some of his lieutenants, Sullivan of the number. This opinion he expressed publicly, and in the course of time it came to the ears of General Sullivan. He wrote a very vigorous letter to Congress, in which, without mentioning his name, he alluded so pointedly to Burke that there could be no doubt against whom his strictures were directed. Burke took exceptions to these, and a correspondence ensued which resulted in the appointment of seconds to arrange satisfactory terms between them, or, if this was not possible,

to select the time and place of meeting. Pending this, Sullivan was sent to Rhode Island, and Burke returned home. There was never any meeting, but I am not informed whether the matter was amicably settled.

After all the drafts made upon their patience and patriotism in 1780 by the continuous presence of soldiery, the people of Hillsboro and Orange County were to suffer still more from the coming of the enemy in February of the following year. The line of Cornwallis' retreat from the Dan, was first southeast through Caswell, then almost due east, not far from what is now the Person line, and then southwest to Hillsboro. He entered that town February 20, and made his headquarters there for six days. By the irony of fate he erected the King's standard in front of the court house on February 22, and the friends of Britain, most of them only nominally so, flocked into town to propitiate Cornwallis and his soldiers and see the sights. A certain fearful looking for the judgment to come made nearly all of them content themselves with this, and refuse to commit themselves further. Cornwallis soon found his position untenable. Greene had recrossed the Dan, Pickens had advanced from the south, and his foragers were continually being harassed and cut off by parties of the Light Horse; Tarleton had failed in forming a junction with Colonel Pyle and his loyalists; and the latter's command had been cut to pieces at the famous Hacking Match. Besides, the country about Hillsboro had been exhausted of supplies. Stedman, Cornwallis' commissary, found some salt beef and pork and hogs in the town, upon which the army subsisted for a while, but he could get few cattle, and those only by his cattle drivers going long distances. He was forced then to impress and <sup>1711</sup>the work oxen of loyalists, and to make a house to house visit in the town and take from the inhabitants stores provided for their own sustenance, "many of whom," said he, "were greatly distressed by this measure." Lord Cornwallis thus was forced to depart from Hillsboro on the 25th. His route was the same as that taken by Tryon in 1771, and his next position was on the banks of Great Alamance Creek, and there we leave him.

Hillsboro, to the present day, feels a little kindly to-

wards the memory of Lord Cornwallis. He did the only permanently beneficial work that has ever been done on its streets. The highways of the town, when he entered it, were fearfully cut up and muddy, and no part of them more so than that in the business part of the town at the intersection of King and Churton streets. Near this the artillery was to be parked and the King's standard raised, so he made his men collect stones from the neighboring fields and lots and place them in these streets for one hundred and fifty yards north and south and east and west, and there they remain to this day, making, it is true, not a model or up-to-date highway, but one that is free from mud, or if not, one that is passable in wet weather.

Between three and four miles west of town, and by the road at Hart's ford, across the Eno, stands a great rock. Behind this, Capt. Joseph Graham, with his forty-five men, hid their approach to Hart's mill, and thus, without the loss of a man, killed or captured every one of the twenty-five British and an officer whom Cornwallis and sent out from Hillsboro as a mill guard.

The General Assembly met in June, 1781, at Wake Court House. On the 25th, Thomas Burke was elected Governor, and on the 26th he qualified. He entered upon the performance of the duties of his office with all of his characteristic vigor and energy.

In 1755 or 1756, there was born in Johnston County one of those waifs of the time, whose parents, if they had any legitimate parents, left them early in life to battle unaided with the world. His name was David Fannen, or Fanning. I adopt the first orthography to avoid any confusion of the man with Edmund Fanning, who has heretofore made a prominent figure in these articles. David was bound in his childhood, probably because he was illegitimate, to a Mr. Bryant, in Johnston. There a loathsome disease developed on his head, and he became unfit to eat with others, or to sleep in the beds of the house. His master, too, was harsh and cruel, so he spent both day and night away from his kind, sometimes in the woods minding cattle and at others working on the Bryant farm. Finding this life unendurable, he, when about sixteen years of age, ran away and came to the



house of Mr. O'Daniel, in southwest Orange, hungry and in tatters, an outcast in feeling as well as in fact. The O'Daniels proved to be good Samaritans. Mr. O'Daniel gave him employment, while his wife cured his disease, tetter. He remained with these good people about three years and then went to South Carolina with some of the O'Daniel boys, so Mr. Josiah Turner said the tradition was in the O'Daniel family. In that State he became an Indian trader, and was accumulating some property, when he was met one day by a party of Whigs, who charged him with giving information to the enemy, made him a prisoner, and confiscated all his goods. He escaped, and, bent on vengeance, connected himself with McGirth, the famous South Carolina Tory, and became one of the most active and cruel members of this predatory band. He returned to North Carolina in 1781, and made his headquarters at the Tory settlements on Deep River. There he collected a band of from three to five hundred men, and soon, with a British commission as colonel of loyalists, became the scourge and dread of all the Whig settlements from the Cape Fear to the Yadkin. His numerous adventures are detailed by Mr. Caruthers in his "Old North State in 1776." To that book I am indebted for much of the above. His is not a pleasant character to contemplate, yet history and tradition have made his exploits but little less famous than those of Marion, whom he resembled in his powers of endurance, in his capacity to see the weak points of an enemy, and to strike suddenly, fearlessly and successfully, in the rapidity and secrecy of his movements that made him appear almost ubiquitous; in the terror with which his name inspired his foes, and in the attachment of his followers to his own person. Unlike Marion, he was revengeful (who with such a childhood and youth would not be, when once he had the society that had made him an outcast at his feet?) and relentless and cruel in pursuit of revenge. He had no country to fight for, no home to protect, and the cause that he espoused became a desperate one soon after he had espoused it, yet he, an outlaw, with little mercy and no fear, carried himself safe through it all and died at last a peaceful death in a foreign land.

So far as known, Fannen appeared but once at Hills-



boro, and that was at the capture of Governor Burke, though the terror of his name in 1782 roused the members of the General Assembly from their beds and made them appear armed upon the streets. It was a false alarm, however, given by a timid citizen or an unknown practical joker.

Governor Burke, who had been at Halifax, came up to Hillsboro about September 8, 1781, in order to be near, if not to participate in, a grand movement which he was organizing against the Tories. While there he received information of the advance of McNeill and Fannen with five hundred men against General Butler, who lay on the south side of Haw River with a small body of militia. He immediately despatched a messenger to Butler, warning him of his danger, and ordering him to take a more secure position. When the Tory band arrived, they found their prey gone, but heard from sympathizers that Governor Burke was at Hillsboro with an insufficient guard. The advantages of making their active, energetic and able foe a prisoner were so obvious they did not hesitate a minute, but set off for Hillsboro and invested the town, capturing every picket without giving any alarm, before daylight on the morning of Wednesday, September 12. About 7 o'clock they entered the town from every direction, and without much resistance, so sudden was the attack, they made prisoners of the town guard. Few, even, of the citizens escaped, but among them was Colonel Alexander Mebane, who hastened to General Butler's camp. Governor Burke's residence, at that time near the eastern limits of the town, was on or near the site of the present residence of Mr. James Webb. "My house," says he, "soon became the principal object of attack. To escape was impracticable and resistance was vain, yet the savage manners and appearance of the men made me expect nothing but massacre, and I preferred dying sword in hand to yielding to their barbarism. Thus resolved, and attended by Captain Reid, my aid-de-camp, Mr. Huske, my secretary, and an orderly sergeant of the continental service, and armed only with our swords and pistols, we sustained for some time a close and hot fire, until at length Captain Reid went through their fire and brought

a gentleman in the uniform of a British officer up to me, to whom, after repeated assurances of proper treatment, I gave up my sword." This officer, with the aid of some Highland gentlemen of the party, did succeed in protecting Burke from the fury of Fannen and his Tories, and he was carried safely a prisoner to Wilmington. Indeed, Colonel McNeill seems to have acted the gentleman throughout the whole foray. Two of the Tories went to Mr. James Hogg's residence just east of town, tore off his shoe buckles, made him give up his watch and keys, and proceeded to help themselves to what they wanted, but immediately upon Mr. Hogg's application, Colonel McNeill stationed a Highland sentinel at the house, and Mr. Hogg was molested no more. The town, however, was gutted by these marauders between 7 a. m. and 2 o'clock p. m. that day. They turned the prisoners out and put their guards in the jail. They armed these prisoners and made them sharers in the further rapine. They entered every house and carried off everything of value that was portable. They broke open the taverns and revelled for a while in unlimited supplies of ardent spirits, an indulgence which cost some of them, who were too drunk to go or be carried off by their comrades, their lives. By 2 o'clock, their officers had gotten them all, who were not helpless, under way. Their course was southwest from Hillsboro, and crossed Haw River above the mouth of Cane Creek. On that creek, General Butler, having been warned by Colonel Alexander Mebane, lay in wait for the Tories with the militia already embodied and re-enforcements from the surrounding country. He was advantageously posted and his force was superior to the enemy's. The Tories were taken by surprise when they reached Cane Creek, by the attack of the Whigs, and were at first thrown into confusion, but were soon rallied by their officers and one of the sharpest skirmishes of the war proceeded. The odds were very greatly in favor of the Whigs, until Fannen, making a detour and crossing the creek, higher up, attacked them in the rear. This was too much for General Butler's nerves, and he ordered a retreat and himself lead the way. Colonel Robert Mebane, however, refused to obey and rallied a sufficient

number of the men to make it a drawn battle, the Tories getting off with their prisoners and much of their booty, but leaving many of their number dead and wounded upon the field of battle, including their leader, Colonel McNeill. Fannen, too, carried off with him an arm shattered by a rifle bullet.

Governor Burke was, after some stay in Wilmington as a prisoner of State, removed to Charleston, where he accepted a parole to James Island. On that island were many jayhawkers, men who lived upon debatable lands, and when it was safe, robbed or murdered those of either party. Driven from their strongholds by the activity of the Whigs, they had taken refuge on this island under the protection of the British. Burke seemed to be especially obnoxious to them. They fired into his quarters and killed a man on his right and wounded another on his left. He lived in continual fear of assassination. As a prisoner he was entitled to protection by his captors. He wrote to General Leslie, the commandant at Charleston, and demanded this protection. His letter was treated with contempt. After waiting sixteen days for an answer, and none coming, he took his safety into his own care and, on January 16, 1782, broke his parole and made his escape. On the 18th he wrote General Leslie, offering an equivalent in exchange for himself, or if this could not be procured, to surrender himself, provided he was treated in all particulars as a prisoner of war and not as a State prisoner. To this Gen. Leslie made no response, but wrote to General Greene, demanding Burke's unconditional surrender. Meantime the latter had returned to North Carolina and resumed the reins of government. Opinion in that State upon the validity of his excuse for breaking his parole was divided. Burke had many friends, and they all, from General Greene down, endorsed his course. He had, too, many enemies, some made by his pugnacious self-assertion, some by his open hatred of all cant and sham and insincerity, and still others by his activity in exposing the speculation and thievery of dishonest officials, jobbers and contractors. These all assumed a mighty show of virtue and looked askance upon him. He was, without exception, condemned, too, by his open foes, the British officers, men



whose respect he could but desire, and its withdrawal was, to such a man, poignant agony. He seems, himself, to have had no doubt that he had done right. But all this criticism, all this doubt, all this ill-concealed contempt on the part of some and as ill-concealed exultation on the part of others was an agonizing experience to so high strung a man. He had been known as peculiarly sensitive in matters affecting his honor. He was always ready to protect it even by a resort to the code. And now he had placed himself in a position where men might say, and men were saying, that he preferred his safety to that sensitive honor which he had so frequently thrust in their faces, and that, too, on a point upon which the whole civilized world was agreed, the sacred and binding character of a military parole. The situation was intolerable. He refused to stand for re-election in April, 1782, retired to private life, found temporary relief in ardent spirits, a practice to which he had been addicted, and then attacked by disease that he had not stamina to resist, succumbed to it in December, 1783, and lies in an unmarked grave amid a clump of trees on a farm near Hillsboro. He was, according to Wheeler, only 36 years of age at the time of his death.

Says Archibald MacLain, writing to George Hooper from Wilmington, March 24, 1783, about the coming gubernatorial election: "Caswell is, as I expected, a candidate. He does not deserve it. I also suspect Nash, who has returned from Congress. But I think he has no chance of succeeding. The present Governor (Martin) has, I am persuaded, expectations. Oh how I wish for Burke with all his foibles. He would keep villains within proper bounds and call scoundrels to a strict account, but these are probably the very reasons they make against his election."

In 1780 William Courtney was Senator from Orange, William McCauley and Mark Patterson represented the county and Thomas Tulloch the town, in the Commons. In 1781, John Butler, having resigned as entry taker, was Senator, Robert Campbell and Jesse Benton commoners from the county, and Thomas Tullock from the town. William Hooper took up his residence in Hillsboro in 1782, and stood for election from the town, but



was defeated by a tavern keeper. Disappointments like this, connected with excessive conviviality, made him, who was naturally sweet tempered and genial, a cross, irritable, jaundiced grumbler. He died here October 14, 1790, in the 49th year of his age. At the end of the Revolutionary War there were forty white polls in Hillsboro and sixty-seven slaves between twelve and fifty years of age, indicating a population of three hundred.

Here I end this history. The events of the Revolutionary War after this period were, to Hillsboro, only as a far-off echo. Of course it had its sad reminders for years, but, in the joy of new found independence, these were forgotten or remembered only by the immediate sufferers.

THE END.

# APPENDIX.

## APPENDIX A.

The historians are wrong in saying that Fanning was fined 1 d. and costs upon these convictions. The Court, on the contrary, took an advisari on his motions in arrest of judgment and for a new trial, and the matter was still pending and undecided at the breaking up of the Court in September, 1770. In the subsequent hurly burly, nothing, of course, was done, and Fanning left soon after for New York. (See 8 Col. Rec., 33, and 223-225.)

## APPENDIX B.

TRIAL CAUSES TO HILLSBORO SUPERIOR COURT, SEPTEMBER TERM, 1770.

Regulator Entry.

				Regulator Entry.
1	John McMund vs. Wm. Courtney.	T. Q. F.	Gen'l issue.	Damned rogues.
2	John Childs vs. Rich'd Thompson.	Case.	Referred.	You keep that to yourselves to rogue everybody.
3	John Williams, Esq., vs. Robt. Mitchell.	Case.	Gen'l issue.	Plaintiff pays costs, and to be put in stocks.
4	Wm. Brown vs. John Brown.	Detinue.	Gen'l issue.	A shame for name's sake.
8	Daniel Williams vs. John Williams.	Case.	Gen'l issue.	The eldest pays costs.
9	Peter Noey vs. Edmund Fanning.	Appeal by consent.		Fanning must pay.
10	Edmund Fanning vs. Abram Smith.	T. A. B.	Judgment by default and inquiry.	Fanning pays costs, but loses nothing.

## APPENDIX B—Continued.

## Regulator Entry.

12	Isaiah Hogan vs. Herman Husbands.	Case.	Gen'l issue.	Hogan pays, and be damned.
13	Ezekiel Brumfield vs. James Ferrel.	Slander.	Gen'l issue and justification.	Nonsense, let them agree for Ferrel has gone Hellward.
14	Michael Wilson vs. David Harris.	T. A. B.	Not guilty with leave.	All Harrises are rogues
15	John Edwards vs. Philip Edwards.	Case.	Non assump-sit.	Damned shame.
56	Thos. Richardson vs. Robinson York.	Case.	Plea in abatement.	Plaintiff pays all and gets his body scourged for blasphemy.
59	Mary Humphries vs. Philip Jackson, Jr.	T. A. B.	Not guilty with leave.	Ct entry. Judgment by default. Regulator—comment. Money must come to officers.
64	Abner Nash vs. John Rosker.	Case.	Judgment by default.	Nash gets nothing.
67	Valentine Braswell vs. D. McNeal, Admr. of H. McNeal.	Case.	Plea to be filed.	File it and be darned.
68	Sales Brown vs. William Lewis.	Case.	Judgment by default.	The man was sick. It is damned roguery.
69	John Kimbro' vs. William Alston.	Case.	Joseph Bryant, bail.	Executed by a damned rogue. Bail not sufficient.
70	Solomon Turvil vs. James Turvil.		Executed on two negroes.	Negroes not worth a damn. Cost exceeds the whole.

Several persons styling themselves Regulators assembled together in the court yard, under the conduct of Herman Husbands, James Hunter, Rednap Howell, William Butler, Samuel Deviney and many others, insulted some of the gentlemen of the bar, and in a violent manner went into the court house and forcibly carried out some of the attorneys and cruelly beat them. They then insisted that the Judge should proceed to the Tryal of

their Leaders, who had been indicted at a former Court, and that the jury should be taken out of their party.

Therefore, the Judge, finding it impossible to proceed with honor to himself and justice to his country, adjourned Court until to-morrow morning at 10 o'clock, and took advantage of the night and made his escape, and the Court adjourned until Court in Course.

Minute Docket, September 22, 1770.

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### APPENDIX C.

To the average North Carolinian the Regulators were heroes and patriots, while Governor Tryon was a cruel tyrant and Edmund Fanning a relentless fiend. We have all come to regard James Few as a poor, demented youth, a celibate because Fanning had seduced his bride, living with, if not dependent upon his aged parents, at Alamance, not of choice, but impelled by an insane delusion, harmless, inoffensive, law-abiding, and a victim, finally, to Governor Tryon's savage lust for blood and Fanning's unreasonable desire to be rid of him because his fiancée had been proven a fragile vessel.

All this comes from placing too much reliance upon the romantic and sympathetic and patriotic side of North Carolina history as it is writ. As a matter of fact, James Few was a very different man from what we conceive him to have been. William Few was born in Pennsylvania about 1709. He was a farmer, and on arriving at his majority removed to Maryland, where he married and settled in Baltimore County. There most of his children, including James, the second son and child, were born. James was born in 1745 or 1746. In the fall of 1758, the whole family came to North Carolina and settled on 640 acres of land, purchased by William Few from James Taylor. This land lay on both sides of the river Eno and about seven miles east of Hillsboro. With them came four negro slaves. William Few, besides clearing and cultivating this land, erected, with his brother James, a saw and grist mill upon the river Eno. In 1764 he purchased 200 acres of land near the town of Hillsboro (then Childsburg), and removed his family



to his new purchase, and there he continued to reside until he emigrated to Georgia, in 1771. This is the Kirkland place spoken of by Dr. Hawks and Mr. Caruthers, and is situated a mile east of Hillsboro. In 1767 he purchased another tract of land on Little River. He seems to have been a man of standing and influence in Orange County, kept a tavern at his house, was foreman of the County Court grand jury several times, and, though a sympathizer with the Regulators, took no part in any of their illegal acts. He, with John Butler, William's brother, was on William Butler's bond at the September Court, 1768. Both he and his wife had some education. His library consisted of a folio Bible, Tillotson's Sermons, Barclay's Apology and other religious books, Dyche's Dictionary and a set of *The Spectators*. Nor were his children entirely deprived of school advantages. "In 1760," writes his son (third and next younger to James) William, in the *Magazine of American History*, 1881, "a school master appeared and offered his services to teach the children of the neighborhood for 20 shillings each per year. He was employed and about thirty scholars were placed under his care. The master was a man of mild and amiable disposition. He governed his little school with judgment and propriety, wisely distinguishing the obedient, timid child from the obstinate and contumacious, judiciously applying the rod when necessary. He possessed the art of making his pupils fear, love and esteem him. At this school I spent one of the most happy years of my life. I had the highest respect for my preceptor and delighted in his society and instruction, and learned with facility."

In 1769 and 1770, William Few, the father, became somewhat embarrassed financially. He was, among other liabilities, surety on the guardian bond of a careless or dishonest guardian, and was threatened with a suit. Benjamin, his oldest son, went out to Georgia in 1770, and, much impressed with the prospect there, induced his father to consider a removal to that State. On April 27, 1770, the father conveyed his home place near Hillsboro (the Kirkland place) to his friend, John Butler, who was sheriff of the county that year. Butler conveyed this tract of land to Ralph MacNair, a well-to-

do Scotch merchant, on July 23, 1771. It is not supposed that William Few surrendered the possession of this land to Butler until a short time before the last conveyance, for Tryon's army turned their horses upon his wheat, barley and oats in June preceding.

For the destruction of these crops the Colonial Assembly afterwards made ample reparation. It is a reasonable supposition that William Few, with his wife and two daughters, Hannah and Elizabeth, did not go to Georgia until after the hanging of James, on May 16, 1771, though they had been making preparations to go for some time. It is certain that on February 9, 1772, all the family except William, Jr., were in Georgia. On that day, in Richmond County, Ga., William Few executed a conveyance of all his remaining property in North Carolina to his son, William, and that conveyance is witnessed by Benjamin and Ignatius, his oldest and his youngest son. William Few, Jr., remained in North Carolina until the fall of 1775, when he too went to Georgia.

Now it is a remarkable fact that these brothers, Benjamin, William and Ignatius, became distinguished citizens of that State. William, indeed, after having run the gamut of all the important offices there, from militia colonel to United States Senator, removed to New York in 1790, became very prominent in banking circles and in politics, and died July 16, 1828. Why I lay special emphasis upon the characters and acquirements of these brothers, will appear as I proceed further.

James Few was one of the most active and energetic of the Regulators. A mature man, twenty-five or twenty-six years of age, he took a leading, and no doubt malign part in the Hillsboro riot of September, 1770. For this a true bill had been found against him at New Bern, and only the lapse of a few days would have made him an outlaw in law, as he was already an outlaw in fact. This captain and leader of the Regulators, this active rioter and flagellator of lawyers, sheriffs, clerks and all such cattle, is taken in battle against constituted authority and forthwith he is hung—admittedly a cruel and unnecessary act. Then comes the reaction, and men, forgetting his violence, his persistent energy, his

defiance of constituted authority, declare him to be the helpless and irresponsible victim of the cruel tyranny of Governor Tryon and the unutterable baseness of Edmund Fanning. Contemporary rumor, fruitful mother of all tradition, meantime is busy. There is an extravagant sentence in one of his letters, and men say he is crazy, an imbecile, an idiot. Fanning is a libertine and Few had been especially malignant against him at the fateful riot, and they say that Fanning had seduced his bride. And the exaggerated invective of Maurice Moore, the exuberent and imaginative patriotism of an unknown newspaper correspondent, the drag net industry of Mr. Caruthers and the enthusiastic and generous eloquence of Dr. Hawks, have served to perpetuate all this.

The truth is, James Few was a married man, was married in 1769 or 1770, and his wife gave birth to twins, William and Sally by name, on February 9, 1771. These children were left with their mother on the removal of the Fews to Georgia. She, however, about ten years afterwards, married a British or Tory officer. Then Benjamin Few came on and took these children home with him, placed them in his own household and raised them as his own children. Sally, from his house, married a Methodist minister, and died in 1855, leaving descendants. These facts speak for themselves. If there had been the slightest doubt about the paternity of these children, the Fews would not have removed them to Georgia and taken them into their own hearts and homes. William Few, Sr., had been raised in the pure and wholesome moral atmosphere of the Pennsylvania Quakers, and Mary, his wife, among the Baltimore Catholics. She lived until 1778, he until 1793. They would not have taken spurious children into their own family.

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#### APPENDIX D.

On October 1, 1736, Governor Burrington borrowed of Edmund Strudwick, a retired merchant of St. Ann's Parish, Westminster, London, £1,140, giving as security besides his bond, an assignment of his claim against the

British government. No part of this was paid during the life of Mr. Strudwick for after his death his executors assigned this claim to Samuel Strudwick, son of Edmund. On April 10, 1754, Burrington, reciting this indebtedness, which then amounted to £2,000, conveys by lease and release with a mortgage defeasance attached, to secure said sum to Samuel Strudwick, 40,000 acres of land, 30,000 of the Haw Old Fields and 10,000 on the northeast Cape Fear. Soon thereafter Burrington was arrested for debt and confined in the King's Bench prison, and there he remained until July 15, 1755, when, having gone through the Insolvent Debtor's Court, he was discharged. John Lawton, Clerk of the County Court of Surrey County, England, conveyed Burrington's equity of redemption in these Haw Field lands to General John Guise, who subsequently, September 28, 1761, conveyed the same to Samuel Strudwick. Burrington died about four years after his release (in 1759, drowned in the Thames), nearly eighty years of age, according to Colonel William L. Saunders, and there is little doubt that he was right about it.

October 10, 1764, Governor William Tryon landed at Brunswick, and with him came Mr. Samuel Strudwick to look after and take possession of the lands purchased from Governor Burrington. He found the Haw Fields land occupied by those who held under Burrington, and by many squatters who had no right at all except that they hoped to acquire by occupation, or some defect in his own title. Near the close of the year 1766 he met these occupants or a large number of them, and those at the meeting consented to recognize his title. A few years after, however, he became involved in litigation with some of them, and this litigation lasted a dozen years or more, with varying success and with the net result of a loss of one-third of the property. Indeed it is said in a letter of Francis Nash (afterwards General Nash) to Edmund Fanning, Sunday, April 17, 1768: "And as an instance of the evil and destructive consequence that naturally follows from such rebellious and disorderly violation of the laws, we are creditably informed that Mr. Strudwick's tenants have entered into an association among themselves to keep forcible posses-



sion of his lands, and for that purpose yesterday held a meeting in the Haw Fields." The easy and graceful style of the few letters of Mr. Strudwick, preserved in the Colonial and State Records, indicate that he was a man of culture, and both Governors Tryon and Martin testify to his ability and integrity. He was a member of the Council, Secretary of the province and Clerk of the Pleas. Of his appointment to the latter office Martin complains, because the office, though a sinecure, gave him more influence even than the Governor, he having the appointment of thirty-four clerks and receiving a percentage of their fees, which amounted to £560 per annum. Holding so prominent a position in the government of the province, and having so entirely the confidence of the two last royal governors, it is natural that his situation at the commencement of the Revolutionary War should be a very trying one. He had, however, many influential friends of the patriot party—Hooper, Iredell, Burke and others, and, he, not fleeing had no property confiscated. It is probable that he took the oath of allegiance to the United States about 1778 but to the rampant patriots he was always an object of suspicion, if not for open attack. There is something very suggestive of Cooper's Home as Found in the following extracts from his petition in 1780 to the General Assembly to release him from paying taxes on the whole body of the Haw Fields land: "The survey of these lands, though authorized by the Superior Court, has been frustrated by the violent opposition of sundry persons who have seated themselves thereon, and since the revolution in government have entered and patented all that were of any value not excepting my house and the plantation whereon I live." Further on he states that they had not of the 30,000 acres left 100 in his possession. Again, he writes to Mr. Burke, September 1, 1780: "I am reduced to the most disagreeable situation. On Saturday one Bowles, who has got a new patent for a small plantation, lying in sight of my house, where there is an orchard and some corn planted, came and told me that in a few days he intended to fetch away the peaches to distill. On my saying that I would not consent to it, he answered that he could get a posse' to assist him, which I suppose he will, and it is very probable the other man,

who has got a patent for my house, will raise another (or the same) posse and drive us into the woods. You may be assured that I will not permit either to execute his designs while I am able to resist them, but they so greatly outnumber all the strength that I can muster, that resistance on my part must prove ineffectual." Then he requests Burke's advice as to what he shall do.

He writes again to Burke after he was elected Governor, June 25, 1781: "There is another thing with which I flatter myself from your administration—that is the suppressing of the licentiousness both of the regular and militia soldiery. The contribution which the law exacts, and the necessity of the service requires, would be cheerfully submitted to, if ravage and plunder were not superadded. The noble stand you made in behalf of freedom and the rights of the people when General Gates commanded at Hillsboro, is to me a certain presage that you will not abandon your countrymen to the rapacity of unfeeling men, for though I am very sensible that 'war can not be kept to a set diet,' yet there is no occasion to gorge it with the vitals of a whole people." It is probable that his personal sympathies were with the British, while his interest made him nominally attach himself to the American party, and this being suspected, he became, more or less, the prey of both parties. The year 1788 saw the termination of all his lawsuits with the results stated above. He himself died in the winter of 1795, and left surviving him one child, a son, William F. He, September 6, 1793 had married Miss Martha Shepperd, sister of the revolutionary partisan, Colonel William Shepperd. This lady, Mrs. Kennedy, in her bright romance, *Jocelyn Cheshire*, is guilty of the anachronism of locating in Hillsboro in 1779 as a stout, jolly, rather coarse matron. She was, in truth, a mere child at that time, and as a grown woman afterwards, she was a brunette, small and dainty in figure, and, withal, bright and pretty. Mr. William F. Strudwick represented Orange in the Legislature several terms and the district in Congress one term and died November, 1810, leaving 5,800 acres of the Haw Fields to be divided among his heirs. By 1830 all these acres had been, from various causes, sold by the Strudwick heirs, so the connection of that family with them ceased.

## APPENDIX E.

James Hunter, the Regulator, was not a Whig, not even a Whig sympathizer, until 1776. This is proven, first, by the record; second, by reasonable deductions from known facts. In 1772 Governor Martin had a personal interview with James Hunter, 9 Colonial Records, pages 313 and 329. When we come to the active movements of the Revolutionary War, we find James Hunter's name among those of other Tories, in Governor Martin's proclamation, raising the King's standard in North Carolina, January 10, 1776, 10 Colonial Records, page 441. The militia in the various counties embodied and made raids upon the Regulator settlements capturing prisoners and arms before the battle of Moore's Creek. Vol. 10, page 469. But James Hunter was not arrested then; *ibid.* He was, however, afterwards, possibly at or on his way to Cross Creek. Vol. 10, page 560. "James Hunter, parole in Bute George Mylne, bail £2,000"; *ibid.* George Mylne was a resident of Cumberland, a Whig, one who had committed to his care Whig powder, which he afterwards turned over to General McDonald. Vol. 10, page 602. This parole was on May 3, 1776, and the record is silent about James Hunter until August 23d, when the Guilford safety committee writes to the Council of Safety then sitting at Halifax: "The committee have ordered James Hunter in custody and to be sent to your board. I am just informed that he has set out with a petition to the Council signed by some members of the committee, etc." Vol. 10, page 761. With this letter they sent quite a number of prisoners, James Hunter not one of them, who all appear before the Council at Halifax August 28th. Vol. 10, page 761. The exigencies of the Indian campaign, and the desire to be near Governor Rutherford, made the Council adjourn to meet at Silisbury. It did meet there September 6, and on that day James Hunter voluntarily appeared before them and took the oath of allegiance.

Second, reasonable deduction from facts: It was the general impression in August, 1775, that James Hunter was anti-Whig. Samuel Johnston, on his way to the Hillsboro Convention, writes from Halifax, August 14,

1775: "They had chosen a committee in Orange and everything is likely to go well, though a report prevails here that Hunter, the Regulator, threatens to bring a thousand men from Guilford to interrupt the Convention." Now this rumor proved to be false, though there may have been some foundation for it. It is certain, however, that no rumor can spread unless it has some appearance of truth. James Hunter, a Whig, at the head of a thousand men to break up a Whig Convention, as a rumor bears its own death wound, carries its own refutation. Substitute James Hunter, the Tory, and see the difference. 1 McRee's Iredell, page 261.

Again, no one doubts that Hunter was a man of positive convictions, with unlimited influence over the Regulators. Why, then, if he was a Whig, was he at no time used as an intermediary when the leading men of the State were so anxious to conciliate the Regulators? (See 10 Colonial Records, 169 and 693.)

Again, why, if he was a Whig, was not this influential man, this man of position and character a born leader, appointed to some position of greater or less importance in the county or district in which he lived? One searches the records in vain for any mention of him in any official capacity until after he took the oath of allegiance in 1776. Afterwards and until his death he was in the public eye, and no doubt a valuable citizen.



